HAND-BOOK FOR CORONERS:

CONTAINING

A DIGEST OF ALL THE LAWS IN THE THIRTY-EIGHT STATES OF THE UNION,

TOGETHER WITH

A HISTORICAL RESUMÉ,

FROM THE EARLIEST PERIOD TO THE PRESENT TIME.

A Guide to the Physician in Post-mortem Examinations,

AND VALUABLE MISCELLANEOUS MATTER NEVER BEFORE COLLATED.

BY

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"But is this law?"
"A, marry is 't; crowner's quest law."
—*Hamlet, Act V.*

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TO

HENRY C. CHAPMAN, M. D.,

PROFESSOR OF

INSTITUTES OF MEDICINE AND MEDICAL JURISPRUDENCE,

JEFFERSON MEDICAL COLLEGE, PHILADELPHIA,

THIS WORK IS INSCRIBED,

AS A SLIGHT TOKEN OF SINCERE FRIENDSHIP AND ESTEEM,

BY HIS FORMER STUDENT,

THE AUTHOR.

PREFACE.

In offering this work to the coroners, their deputies, the medical profession and the public, the author makes no pretensions to originality, the somewhat scanty literature on the subject having gradually accumulated for several centuries;—the writer's almost sole duty has consisted in the collection, selection and arrangement of the most interesting material at his command.

> "For out of the fields, as men saithe,
> Cometh al this new corne fro yere to yere;
> And out of old bookes, in good faithe,
> Cometh al this new science that men lere."

In doing this, he has been actuated by a desire to fill a void which, from his own experience at least, has seemed to him to exist in American medico-legal literature.

Few of the many men called upon by their fellow-citizens to fill the important office of coroner are more than slightly acquainted with the ancient origin and history of the office which they hold, —not from any lack of desire or interest on their part, but simply from not knowing where such information may be obtained, and which, from the paucity of the scattered literature on the subject, would be, to many, a most difficult task. The legal authorities, such as Hale, Blackstone and others, treat of the subject in a dry and cursory manner; while the various works on medical jurisprudence rarely give more than an incomplete and indefinite sketch of the coroner's court.

In this book, the author has endeavored to present, for the use of coroners, their deputies and physicians, and members of the legal and medical professions generally, a history of the coroner and his functions, from the earliest days up to the present time;

also, brief sketches of similar systems as employed in Scotland, France, Germany and other continental countries; and, remembering some of his own experiences, he has embodied such medico-legal information as would be most useful to a coroner, or to his deputies and physicians.

The statutes affecting the coroners in each State of the Union have been placed in alphabetical order, in such manner as to render the work of use over the United States, and to facilitate, for those interested, the comparison of the legislation existing in the different States.

Finally, the last portion is directed to a few anecdotes, of such quaint and droll proceedings happening in coroner's courts, both in England and in this country, as seemed to the author might prove interesting to those for whom this work is intended.

As a guide for the instruction of newly-elected coroners, or as a convenient hand-book for occasional and rapid reference, the author feels sure this work will prove of value; and if, as such, it gives satisfaction to those for whose benefit it has been written, he will be amply rewarded.

For all errors of commission or omission which may have crept into his work, written, as it has been, in the midst of arduous professional duties, the author asks the utmost indulgence of his readers. Finally, to his publisher, Mr. William Brotherhead (author of the "Centennial Book of the Signers of the Declaration of Independence"), he desires to express his thanks for much valuable assistance in carrying this work through the press.

PHILADELPHIA,
CORONER'S OFFICE,
JANUARY 9, 1881.

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THE CORONER.

CHAPTER I.

HISTORY OF CORONERS' LAW.

THE office of Coroner is of such ancient origin, that even the approximate date of its institution is unknown. That it is one of the many old Saxon customs which have found their way into the English statute books after the Norman conquest, seems probable; for in "Bacon on Government" it is stated that Alfred the Great punished with death a judge who had sentenced a party to suffer death upon the Coroner's record, without allowing the delinquent liberty to traverse. And in Athelstan's charter to Beverley, granted in the year 925, mention is made of the coroner. The office is probably of equal origin with that of the sheriff, the name coroner being evidently derived from the word *crowner*, or *coronator*, so-called, Sir Thomas Smith states, in his "Commonwealth," published in 1583: "Because the death of every subject by violence is accounted to touch the Crowne, and to be a detriment to it;" or, according to Coke, Blackstone and Hale,—because the coroner dealt principally with the pleas of the crown,—being, in other words, a representative of the crown.

There were and are still three kinds of coroners:—

1. *Virtute officii*, or by virtue of office, as in the case of the Lord Chief-Justice of England, who is *sumnus coronator Angliæ*, or the principal coroner of England, and the present judges of the Queen's Bench, who are also sovereign coroners.

2. *Virtute cartæ sive commissionis*, or coroners by virtue of charter, commission or privilege, such as the Lord Mayor of London, who is by charter coroner of London; the coroner of the Admiralty, who holds inquisitions of deaths upon the high seas. The Lord Admiral, being made a coroner, with power to appoint other coroners within his jurisdiction, who are to act in any case of death

occurring upon the high seas;—but in cases of death occurring upon shipboard, a river or estuary, the land coroner has jurisdiction. Or, again, the coroner of the verge, or limit of the sovereign's court; who is always the Lord-High-Steward of the Queen's household for the time being, and who has jurisdiction jointly with the county coroner over a certain territory around the residence of the sovereign, anciently allowed to have been about twelve miles; except in cases of murder or manslaughter done within the royal palace, when he has exclusive jurisdiction. Occasionally the sovereign granted also, by charter, to the lords of franchises, the right to nominate coroners. And in confirmation of this ancient right we find that, in the account of the business transacted at the East Derbyshire Quarter Sessions, in 1856, mention is made of the receipt of a letter from the solicitors of a certain Henry Marwood Greaves, Esq., appointing Mr. Francis Grey Bennett, solicitor of Glossop, to be coroner for the Hundred of High Peak, vice Mr. Thomas Mander, resigned. Mr. Greaves claimed the right by virtue of the possession of an ancient *horn* derived from the Foxlowe family.

According to Blount, in his "Fragamenta Antiquitatis," we find that one "Walter Achard, or Agard, claimed to hold by inheritance the office of Escheator or Coroner, through the whole honour of Tetbury Co., Stafford, and the Bailiwick of Leyke," as title to which office he could produce no evidences, charter or other writing, "but only a white hunter's *horn*, decorated in the middle and at each end with silver gilt, to which also was affixed a girdle of fine black silk, adorned with certain buckles of silver," in the midst of which were placed "the arms of either John of Gaunt, or of his son Henry IV." This *horn*, which had been previously in the possession of the family of Ferrers, of Tamworth, whose daughter one of the Agards married, was the one by virtue of which Mr. Greaves claimed the right to appoint a coroner, having passed by purchase and marriage through various families, until finally it came into the possession of that gentleman. This curious custom, which is still extant, was one of the various methods of transferring inheritances in use amongst our forefathers. Ingulphus, one of the historians of the middle ages, particularly specifies the *horn*. "At first," says he, speaking of the conqueror's time, "many estates were transferred by bare word of mouth, without any writing or charter—only by the lord's sword, or helmet, or *horn*, or cup; and many tenements by a spur, a scraper, a bow, and some by an arrow."

This was remarkably similar to a custom of our American Indians, who, when any important event was about to happen, signified their sincerity by presenting a *Belt of Wampum*, a specimen of which can be seen in the Pennsylvania Historical Society's room, which was presented to William Penn at the Great Treaty under the Elm Tree in Shackamaxon, in Kensington, in Philadelphia, in 1682. This *Belt* is thus described: "It is a *Belt* of the largest size, and made with the neatest workmanship, which is generally found in such as are known to have been used at such councils, or in making treaties with the Indians. Its length is twenty-six inches, its breadth is near two inches, and it consists of eighteen strings woven together. It is formed entirely of small beads strung in rows, and made from clam or mussel shells. These form an entirely white ground. In the centre there is a rude but striking representation, worked in dark violet beads, of two men—the one, somewhat stouter, wearing a hat; the other, rather thinner, having an uncovered head. They stand erect, with their hands clasped together. There were three bands, also worked in dark violet beads, the other about one-third the distance from one end, which may have reference to the parties to the treaty; or to the rivers Delaware, Schuylkill and Susquehanna." This ancient custom, so similar to the old English usage, we find is again repeated in the treaty made by the Six Nations, the Chief saying to the English Commissioners: "Brethren on the Ohio, if you take the *Belts*, we just now gave you—as we do not doubt you will—then by this *Belt*"—producing another and using their figurative style of speech, "I make a road for you, and invite you to come to Philadelphia, to your first old council fire, which we re-kindle up again."—Vol. VI. "Memoirs of the Historical Society of Pennsylvania."

Several other county coronerships in England are filled by appointment of the Duke of Beaufort. One is appointed under the will of a "Lord of the Sokens;" one by the voice of the tenants of a particular manor; one by the "Lord Paramount of Cleveland;" another by the "Lord of the Forest and Royalty of Bowland;" both Lords of the Franchise; many by the Duchy of Lancaster;—in fact, of the many coroners in England, eighty-two are appointed.

3. And, finally, *virtute electionis*, or by virtue of election, such as the coroners of counties, who are elected by the freeholders of the county in virtue of the sovereign's writ *de coronatore eligendo*, issued by the Lord Chancellor, and directed to the sheriff, the statute of

the 3d, EDWARD I., having enacted "that in all shires a sufficient number of men shall be chosen to act as coroner." No number of coroners having been specified by the statute, the Lord Chancellor has the power, in issuing his writ to the sheriff, to command him to elect as many coroners as the county may need, from four to six being usually the number now required in every county in England; and, according to the direction of the statute 5th and 6th, WILLIAM IV., in every borough having a separate Quarter Sessions a coroner may be appointed. By statute 7th and 8th, VICTORIA, coroners may also be appointed for districts within counties, instead of for the county at large. The coroner *virtute electionis* is still chosen by the freeholders of his county or district, no matter how small their freehold interest may be;—women, minors or persons of unsound mind are, however, not allowed to vote. All the expenses attendant on the election are defrayed by the candidates, and, when the election is over, the sheriff, in open court, administers to the newly elected coroner the oaths of *allegiance*, *supremacy* and *abjuration*, together with the oath of office, after which he is in full possession of his office; provided, however, that, within six months after his election, in obedience to a statute of the 9th, GEORGE IV., he subscribes a declaration respecting the support of the established Protestant Church in England, which declaration must be subscribed either at the Quarter Sessions of the county, in the Court of Queen's Bench, or in the Court of Chancery.

By the already-mentioned statute of the 3d, EDWARD I., it was ordered that none but lawful and discreet knights should be chosen as coroners, and, in one instance, a person was dismissed from office for being a merchant. Subsequently lands to the amount of £20 per annum, which were among the qualifications for knighthood, instead of knighthood, were deemed sufficient to meet the requirements of estate which ought to be insisted on in the case of a coroner; and if the estate of an elected coroner was not sufficient to meet the fines which might be imposed upon him for dereliction in matters relating to his office, it was directed that the county should be answerable for such fines. Although this law has never been repealed in England, it has long since fallen into disuse, the chief intent of the statute having been to prevent the election of persons of mean ability; and the intention is sufficiently answered by the choosing of men of good credit and standing in the community. SIR EDWARD COKE maintained that a coroner should be possessed

of five qualities:—"He should be (1) *probus homo;* (2) *legalis homo;* (3) of sufficient knowledge and understanding; (4) of good ability and power to execute his duties according to his knowledge; and (5) of diligence and attendance for the due execution of his office."

The coroner was elected for life by the sovereign's writ *de coronatore eligendo*, but could, and still can, in a like manner, be removed from his office by the writ *de coronatore exonerando* issued by the Lord Chancellor, the causes for his removal being duly set forth in the writ, and a new coroner can be elected in his place. The usual causes for a coroner's removal have been inability from sickness or old age, residence in an inconvenient part of the county, or such business that he had no leisure to attend to his official duties. Statute 25th, GEORGE II., also makes extortion, neglect or misbehaviour sufficient causes for removal; and in olden times election to the offices of either sheriff or verderor was considered incompatible with the office of coroner.

The functions of a coroner were formerly, and still are, varied. He is a conservator of the peace, and was formerly required to inquire concerning treasure-trove, as to who the finders were, whose the treasure was, and whether any one was suspected of having found and concealed a treasure; which, according to the quaint language of the ancient statute, "may be well perceived where one liveth riototously, hunting taverns, and hath done so of long time." Upon which suspicion the presumed offender might be attached and held to bail. He also examined into appeals of rape and appeals of wounds and mayhem, investigated shipwrecks, pronounced, in certain cases, the judgment of outlawry, and inquired generally into all felonies;—besides which, in cases where the sheriff was absent or incapacitated from any other cause, it was the coroner's duty to replace the former in his ministerial duties, and to execute process.

Our readers will, however, be well repaid by the perusal of this summary of the coroner's duties, which is translated from Wingate's edition of BRITON, published 1640. BRITON was a writer of the period when the statute 4th, EDWARD I., *de officio coronatorum*, was passed, and is supposed to have written the following by the king's order:—

1. "Our Will is, that in our Pallace there be a Coroner, to do the Business of the Crown, throughout the Verge, and wheresoever

we shall be, or come in our Realm: And that he with others be assigned to assay all the Weights and Measures in our Verge, throughout our Realm, according to our Standard; and that they do not omit to assay, by reason of any Franchise, if the Franchise be not granted by us or our Predecessor, in Fee, Farm, or *Franc Almoign*."

2. "In every county let Coroners be elected for the keeping of the Pleas of our Peace, according to what is set down in the Chapter of their Office; and let them keep Record of the Matters which concern the same."

3. "And we prohibit all our Coroners, Justices, and others to whom we have given power of Record, that none (except our Stewards, and our Justices of Ireland and of Chester) do substitute any other in his Place, *without our Leave*, to do anything of which himself ought to make Record; and if anything be done by such Substitute, our Will is, it be void, and of none effect; be it even of Abjuration or of Outlawry."

4. "And because our Will is, that Coroners in every County shall be the principal Conservators of our Peace, to record the Pleas of our Crown, their Views, Abjurations and Outlawries; let them be chosen according to what is contained in our Statute concerning their election; and that so soon as they be chosen, our Pleasure is, that in full County Court, they do take the Oath before the Sheriff, that they will lawfully, and without demanding Reward, make their Inquests and Inrolments, and do what belongs to the Office of Coroner."

5. "Also it is our Pleasure, that so soon as any Felony, or Misadventure, do happen, or Treasure be found unlawfully hid in the Earth, or of the Rape of Women; or of the breaking of our Prison; of Man dangerously wounded; or of other Accident happening; that the Coroner do immediately, upon Notice, issue his Mandate to the Sheriff, or Bailiff, of the Place where the Accident shall happen, to summon the four next Townships, or more if need be, by a certain Day, to be and appear before him at the same Place, by whom he may inquire of the Truth of the Casualty."

6. "And upon his coming, let him swear the Inquests upon the *Holy Gospels*, to declare the Truth of the Articles, which on our Behalf he shall give them in Charge and require of them; and in such Case (and also in the *Sheriff's Court*, and at the View of

Franc Pledge, and in the Office of our Escheators, and in our Presence before our Steward, and in the Eyre of our Justice) it is our Pleasure, that the Jury do inquire, though our Writ come not."

7. "Then let the Coroners and the Jurors with him take a View of the Body and the Wounds and the Cuts, or if any hath been strangled or burnt, or by any other Violence come to his Death; and so soon as can be after the view let the Body be interred; and if the Coroner do find the Body interred before a View be had, let the Coroner thereof make Inrolment, yet nevertheless not to omit taking up the body, and cause it to be openly viewed, and by the Inquest."

8. "In respect of those who have been summoned and come not to the Coroner's Inquest, our Will is, they be amerced at the coming of our Justices at the next Assizes in the County, if such Defaults be found of Record in the Coroner's Rolls; but neither our Coroners nor our Escheators, nor our Inquirers specially assigned, shall amerce for any Default."

9. "When the Coroner shall have a sufficient Number of Men, by whom he may sufficiently make his Inquests, let him in the first Place inquire, whether the Killing was by Felony, or by Misadventure."

10. "If by Felony, whether it was committed in or out of the House, or in a Tavern, or at a Wake, or other Assembly; let it then be inquired who were present, both Old and Young, Males and Females; who were Principals, and who accessary; also of the Force and Command, as of the Consent, or of the rescuing of the Felons knowingly."

11. "And if the Coroners, upon the first Inquiry, shall suspect the Truth to be concealed, or that it be necessary to make further Inquiry, and by *others*, let his Inquiry be often, but in no Point to change or alter his Inrolment upon Account of any Contrariety in the Verdicts."

12. "Let the Coroners also inquire of the Manner of the Killing, with what Weapon, and of all the Circumstances; and let the Sheriff immediately attach those who shall be charged or indicted by his Inquest, if they be found; and if they be not found, let the Coroner inquire who they are, who have fled or withdrawn themselves upon the Occasion; and let the Sheriff thereupon seize their Land, into our Hands, and keep Possession, but without removing

any Bailiff or other Minister, on our Part, until they be convicted by Judgment, or purged and acquit of the Felony."

13. "Afterwards let the Coroner like-wise seize all their Chattels into our Hands, and by good Inquest appraise them; as well the Chattels of the Villains who have fled and are suspected, as those of Freemen; and let the seizure be inrolled in the Coroner's Rolls, and the effect be delivered to the Township, to be answered for to us, in Case the Party charged shall refuse to take his Trial in our Court, or if he shall be a Felon attainted."

14. "Let Inquiry then be made whether any of the Persons charged did at any Time, by our Writ of *Menace*, find sureties for the keeping of our Peace; and let the Names of the Mainpernors, according to the Finding by the Verdict, be inrolled."

15. "If there be any who would appear and prosecute for the Death, by Appeal of Felony, rather let the Male, of what age soever, be received before the Female: and the next of Blood before the remote."

16. "And if the Appellor will prosecute his Appeal within the Year and Day, let him find two sufficient Pledges, by way of Recognizance to the Sheriff of the County, in what Bailiwick the Felony was committed, that he will in full County Court prosecute his Appeal according to the Law of the Land; and let him then be thereto received, and let the Coroner afterwards enter his Appeal, and the Names of the Pledges."

17. "Afterwards let the Sheriff's Bailiff, or Sergeant of the County, where the Felony was committed, be commanded to have the Bodies of the Appellees at the next County Court, to answer to the Plaintiff."

18. "And if many be appealed, to wit: some of the Fact, and some of the Force, or as accessary to the Fact, to every Appeal let the Pledges be entered to prosecute, and against each person let the Appeal be entered severally."

19. "If the Bailiff at the second County Court return, *they cannot be found;* let it then be awarded that the Principals appealed of the Fact be solemnly proclaimed or exacted to appear, and take their Trial for the Felony whereof they are appealed; and let them be so exacted from County Court to County Court, until they appear or be outlawed."

20. "If the Plaintiff make Default at any County Court, let the Exigent then remain till our coming into the Country, or in the

Eyre of our Justices; yet nevertheless, if the Appellor will renew his appeal, let him find other Pledges to prosecute, and be thereto received; if he pray it within the *Year and the Day.*"

21. "Whether the Appellees of the Consent and Accessary do or do not appear, it is our Pleasure no Exigent be awarded against them, or that they be compelled to answer the Plaintiff before Judgement be pronounced against the Principal, unless the Principal be outlawed, and then let the Exigent be awarded against the Accessaries."

22. "And when any are outlawed, or shall fly, or be suspected, let the Coroner inquire of what *Decenna* or *Manupast* they had been, and according to the Finding make his Inrolment, and inquire of their Land and Chattels, wheresoever they be, whether in or out of his Bailiwick or Jurisdiction."

23. "And if they appear before the Principal be outlawed, let them then be delivered upon Bail, to appear and answer the Plaintiff upon the Outlawry of the Principal."

24. "If the Felony be committed *out* of the Dwelling house, let the Coroner then inquire of the first Finder of the Body, and attach him, or them, as well Women as Men, young or old, and deliver them by Pledges, until our coming into the Country, or in the Eyre of our Justices; and let the Coroner enter and inroll their Names, and the Names of the Pledges."

25. "We do also forbid and prohibit all Coroners, upon Pain of Imprisonment and heavy Ransom, that they do not take any Inquest of Felony or Misadventure, or do any other Matters belonging to their Office by the *Procurement of Friends;* or set aside a Juror at the Challenge of either Party; or by himself, his clerk, or others belonging to him, do take, or suffer anything to be taken, for the doing of his Office, or erase or use any Fraud in his Rolls, or suffer it to be done."

26. "If the Coroner do find that any one hath come to his Death by Misadventure, let him then inquire by what accident, whether by Drowning, or by a Fall, or by Killing without other prepensed Malice, or was a Felon of himself. If the accident happened by Drowning, let it be inquired, whether it was in the Sea, or fresh Water, or in a Well, Mote or Ditch; and how the person became drowned; also from what Vessel he fell; what things were in the Vessel; to whose hands they came, and of what Value; and who first found the Body. If the Drowning was in a Well, let it be inquired who owned the Well."

27. "If the Death happen by a Fall, let it be inquired, whether it was from a Mill, a Horse, a House or a Tree."

28. "If from a Mill, what Things were then moving in the Mill; who owned the Mill; and the value of the utensils then moving; in the same Manner let it be inquired of Horses, Houses, Trees and Carriages"

29. "If the Accident happened by a Killing (without other prepensed Felony), let it be there inquired, whether it was done by Man or Woman, or by a Beast or other Thing."

30. "If by a Man, whether by himself or by another; if by another, whether the Misadventure was occasioned by Chance, or from a necessity to avoid Death."

31. "If the Accident was occasioned by a Beast, let the Inquiry be, whether by a Dog or other Beast, and whether the Beast was instructed or set on, or encouraged thereto, or not; and by whom; and so of all the Circumstances."

32. "Of those drowned out of the Sea in our Realm, by falling from a Vessel, our Will is, that the Vessel, and so much of the Rigging as can be found (by Verdict) be seized as *Deodand*, and inrolled by the Coroner; that is to say, so much thereof as shall be found moving to Death; for if a Man casually fall from a Ship under Sail, nothing more than the Ship and what is therein moving can be said to be the Cause of his Death; but the Freight or Merchandize lying in the Vessel is not thereby a Means of his Death: And so in the like Cases."

33. "Concerning those drowned in Fountains and Wells, our Pleasure is, the Inquiry be in like Manner as of the others; and that the Coroners do let to Mainprise the first Finders, and inroll their Names, and the Names of the Pledges."

34. "Of those who shall come to their Death by Carriages, Mills, or such like Means, let the Coroner make his Inquests and Inrolments in Manner above set forth in respect to Persons drowned."

35. "Of every Inquest taken on the View of the Body of a Person feloniously killed, let the Coroner summon a Parent of the Deceased, or more on the Part of the Father or Mother, to appear before him to prove *Englecheria* (*i. e.*, that the Deceased was of English Extraction, and not a Foreigner), according to the Usage of the Country, and record their Names."

36. "It is also our Pleasure that Coroners do take Acknowledge-

ments and Confessions of Felonies committed by *Approvers*, in the Presence of the Sheriff [for it is our Will he be their Controuler in every Branch of their Office], and that they do inroll such Confessions. (Vide, WEST. I, c. 10.) And such Regard was herein had to the Roll of the Coroner, and his Testimony thereupon, that if an *Approver* disavow his Appeal and suggests *Duress*, the Justices shall examine the Coroner, and by him and his Record try the Duress."

37. "And when any Man shall take *Sanctuary*, our Will is, that so soon as the Coroner shall have Notice thereof, he send his Mandate to the Bailiff of the Place, to summon the Neighbours and the four next Townships, by a certain Day to appear before him at the Church whereto the Fugitive shall have fled; and in their Presence shall take the Acknowledgement of the Felony; and if the Fugitive shall pray to abjure our Realm, let the Coroner immediately do therein what belongs to his Office; but if he shall not pray to abjure, let him be delivered to the Township, to be kept at their Peril."

38. "If the coroner be to take an Inquest of *Rape*, let him diligently inquire of all the Circumstances,—of the Force,—of the Felony, and of the presumptive Signs; such as the Effusion of Blood, or the Cloaths torn, and thereof make his Inrolment."

39. "If the Inquiry be of a *Wounding*, let the Weapon be inquired into, and the Length and Depth of the Wound."

40. "Let him also enter in his Rolls all Judgements of Death given within his Jurisdiction, by any other than by our Justices; and in such Cases our Will is, their Rolls be considered as Records."

41. "From what hath been already declared touching the Inrolment of Appeals of Felons, of the Death of Man, be it in like Manner observed in Appeals of Rape, Robbery, Larceny and all other Appeals in every Kind of Felony."

42. "It also belongs to their Office to inquire of antient Treasure found in the Earth, of Wreck of the Sea, of Sturgeons and of Whales, where he shall have Notice thereof; and to attach and let to Mainprise the Finders, and those who eloign or secrete them, and to inrol and record their Names, and to secure the Findings for our Use."

43. "Lastly, it is our Pleasure, that our Sheriffs and Bailiffs be attendant upon our Coroners, and obedient to their Orders and Mandates."

It is almost needless for us to state that many of the duties of the coroner, as given in the summary just quoted, are now either repealed or obsolete, and we shall notice many of them as matters of purely historical interest, it being principally with his functions concerning the inquiry into the death of a man, misfortune, felony or *de subito mortuis* that we have to deal with.

The authority and jurisdiction of the coroner, as defined and regulated by the statute 4th, EDWARD I., *de officio coronatorum*, and his duties in England at the present day are still very similar.

Having received notice of the sudden death of any person, or of a death having occurred under suspicious circumstances—which notice was formerly given the coroner by the b dy searchers or peace officers of his county, but now by the police or from other source—it is his duty to cause a jury of at least twelve men, resident of his county, to be summoned, and to proceed with the jury to view the body. It is not, however, necessary that the inquest should be taken at the same place where the body was viewed; and the coroner can adjourn the jury from time to time, and from one place to another, provided that the real place at which the inquest was held be stated in the inquisition paper. The inquest of death could not, and cannot yet, be taken in England except *super visum corporis;* and if there can be no view had, and if the jury is not sworn *super visum corporis*, or upon view of the body, or some part of it, such as the head, limbs, etc., then the inquisition is void. For the body itself is part of the evidence which it is considered necessary to bring before the jury; and for this reason a coroner may order a body to be disinterred, within a reasonable time after the death of a person, should it be necessary to take an original inquisition. Or, if an inquisition has been quashed, the body may, by order of the Court of Queen's Bench, be exhumed for the purpose of holding a second inquest; but the court will, however, use its discretion as to making or refusing the order, according to the circumstances of the case and the length of time the remains have been in the earth. Indeed, coroners have been fined for taking up a body that has been buried so long that, from its state of decomposition, no information could result from the view. Thanks, however, to the advanced state of chemical research, and medical science generally, it is hardly probable that any court would dare refuse to countenance or order an exhumation to be made in a case of suspected m'neral poisoning.

Both the coroner and jury must view the body at the same time, for the inquisition proceeds upon view of the body lying dead, and the jury should have the benefit of the coroner's remarks upon the appearances which the body may exhibit. In the performance of his duty the coroner may demand admission—and, if need be, force an entrance—into any house, except into the royal palace, where he has no power, unless he be also coroner of the verge. According to the ancient statute, a town—or several towns—might be amerced or fined, if a party who had died a violent or unnatural death was buried before the coroner had taken his inquisition. In "Burns' Justice," an opinion by Holt, J., is quoted, which states that "it is a matter indictable to bury a man that dies a violent death before the coroner hath sat upon him." "And if a town," says Hale, "leaves a body, that died a violent death, above ground, unburied, the township shall be fined." The coroner, however, might also be fined, if, having been summoned, he was remiss in attending to his duties, and did not, within a convenient time, view the body and hold the inquest. The statute 3d, HENRY VII., c. 1, fixed the fine of a coroner for such a neglect of duty at one hundred shillings. When a prisoner died in goal, it was the goaler's business to send for the coroner to make inquiry, because it might be presumed that the prisoner died from ill-usage from the goaler. Though in places where there were several coroners, one might take the inquisition, yet it was not allowable for a deputy to do so; the statute of exoneration, 14th, EDWARD I, stating that "the coroner is to view the body and take the inquisition in person." Statute 6th and 7th, VICTORIA, c. 12, c. 83, gives, however, to county coroners the permission to appoint deputies. By virtue of his patent the coroner of the admiralty always has had the right to appoint a deputy. Should those summoned as jurors fail to appear, the coroner had a right to send them before a justice, who will fine them for contempt; and if during the progress of the inquiry, or before it, the coroner be informed that any person can give evidence material to the inquiry, he may issue a summons, requiring his attendance as a witness; and if the party refused to attend, the coroner had power to commit him for contempt. He is now empowered by statute 7th and 8th, VICTORIA, to inflict upon non-attending jurors a fine not exceeding forty shillings. The investigation of the coroner is restricted to the cause of the death of the person upon whom the inquest is held, and cannot be extended

to accessories after the fact. He is, however, to inquire of accessories before the fact for such as are instrumental to the death, the inquisition being taken for the purpose of ascertaining truly the cause of the party's death, and is more for information of the truth of that fact than for accusation. On this account it is the duty of the coroner to receive evidence on behalf of the party accused the same as for the crown; although formerly, except in cases of *felo-de-se*, a contrary practice was the custom. When the jury has heard all the evidence offered them, the coroner draws up his inquisition paper according to the findings of the jury, to which both he and each of the jurymen must put their hands and seals; and, where the verdict is such as to justify him in so doing, the coroner must, if the offender be present, commit him to prison; or, should he be absent, issue a warrant for his apprehension. Or, if the verdict be such that future proceedings will be necessary, all persons who know anything material concerning the offence must be bound by recognizance to appear at the court into which the inquisition is returned, to give evidence against or to prosecute the accused. The coroner, having terminated an inquisition, is obliged to make a certified return of it, together with all the evidence taken down, either into the Court of Queen's Bench or the next Assizes,—in other words, the court immediately superior to him. The Chief-Justice of England being, however, by virtue of his office, *sumnus coronatore Angliæ*, would return an inquisition held before him into his own court.

The coroner's court being one of record, it is his duty to keep a strict account of all the cases upon which he takes inquisition; but, this duty having been greatly neglected, the Registration Act, 6th and 7th, William IV., passed in August, 1836, made fresh provision for the permanent preservation of the particulars of each inquest held by a coroner or a magistrate, section 25 saying: "The coroner shall inform the registrar [of births and deaths] of the finding of the jury, and the registrar shall make the entry accordingly." The certificate which the coroner furnishes to the registrar gives the date and place of death, name, age, condition, occupation, cause of death and duration of illness. These particulars are duly entered in the register book of deaths, certified copies of which are sent quarterly to the General Register Office, in London, and there indexed. Similar means have been adopted for Ireland, by statute 38th and 26th, Victoria, c. 2, passed in 1864.

As we have seen by the ancient law, when a person was found guilty, at the inquest, it was the duty of the coroner to seize and inventory the goods and chattels of the accused and turn them over to the township, which was responsible to the king for them; and if the accused, upon his trial, was found guilty and condemned, his goods were forfeited to the crown. This part of the law has long since been repealed.

In cases of death *ex visitatione Deo*, after the inquest was closed nothing more was to be done save to make a return of the inquisition to the next Assizes. But in cases of death *per infortunium*, or accidental death, where no man had a hand in it, as by falling from a roof or drowning, it was the duty of the coroner and jury to cause the forfeiture of the *deodands* to the crown, and this was formerly no inconsiderable portion of the coroner's duties. All personal chattels which had been the cause of the death of any reasonable creature, such as ships, wagons, horses, cattle, were sedulously pronounced "accursed things," and were forfeited to the crown, to be applied to pious uses, by the high almoner of the sovereign, or whosoever he might appoint. More frequently, however, the right to *deodands* was granted by the crown to the lords of manors, or other liberties, and was looked upon by them in some instances as a profitable source of revenue. The law made this curious distinction: that where an infant under the age of discretion was killed by a fall from a cart, or a horse, not being in motion, no *deodand* was due, the infant probably not being a reasonable creature. When a moving carriage caused the death of a man, both horse and carriage were forfeited; but if the deceased fell from a wheel, when not in motion, the wheel only was a *deodand*. If a man, in watering his horse, were drowned, it being the fault of the animal, the horse was forfeited; but if the man were drowned by the violence of the stream, the horse would not be a *deodand*. When a man fell from a ship, in salt water, and was drowned, no *deodand* was due; but if he fell from a ship or boat, in fresh water, the vessel, but not its cargo, was forfeited. And when a person was drowned in a well, the well was filled up. This unjust law, after being strictly observed for some time, gradually fell into desuetude, being observed only in a formal manner, the jury usually fixing as the *deodand*, not the real value of the property which had caused a death, but a trifling sum instead, and finally, statute 9th and 10th, VICTORIA, abolished it entirely.

The coroner's business also was to seize, on the behalf of the crown, all the goods and chattels of those who were found by his jury *felo-de-se*, or guilty of self-murder. An interesting reference to this ancient practice is found in the diary of the arch-gossip Pepys, under the date of January 21st, 1668. And we quote the paragraph in its entirety, as illustrative of English law and custom at that period. "Comes news from Kate Joyce, that, if I would see her husband alive, I must come presently. So I to him, and find his breath rattled in the throat; and they did lay pigeons to his feet, and all despair of him. It seems, on Thursday last he went, sober and quiet, to Islington, and behind one of the inns (the White Lion) did fling himself into a pond; was spied by a poor woman, and got out by some people and set on his head and got to life; and so his wife and friends sent for. He confessed his doing the thing, being led by the Devil; and do declare his reason to be his trouble, in having forgot to serve God as he ought since he came to his new employment (he kept a tavern); and I believe that, and the sense of his great loss by the fire, did bring him to it; for he grew sick, and worse and worse to this day. The friends that were there, being now in fear that the goods and estate would be seized on—though he lived all this while—because of his endeavoring to drown himself, my cousen did endeavor to remove what she could of plate out of the house, and desired me to take my flagons, which I did, but in great fear all the way of being seized, though there was no reason for it, he not being dead. So with Sir D. Gauden, to Guildhall, to advise with the Towne Clerke about the practice of the City and Nation in this case, and he thinks it cannot be found self-murder; but if it be, it will fall, all the estate, to the King. So I to my cousen's again, where I no sooner came but find that he was departed. So, at their entreaty, I presently to White Hall, and there find Sir W. Coventry, and he carried me to the King, the Duke of York being with him, and there told my story which I had told him; and the King, without more ado, granted that, if it was found, the estate should be to the widow and children; which, indeed, was a very great courtesy, for people are looking out for the estate."

A few days later—the 19th of February—he says: "I to see Kate Joyce; where I find her and her friends in great ease of mind, the Jury having this day given in their verdict that her husband died of a fever. Some opposition there was, the foreman

pressing them to declare the cause of the fever, thinking thereby to obstruct it; but they did adhere to their verdict, and would give no reason; so all trouble is over and she is safe in her estate."

According to the ancient custom, however, the suicide forfeited no goods or chattels which he held as executor, administrator or guardian; neither did he forfeit lands inherited. Besides the legal forfeiture thus incurred, he also forfeited the Christian rites of the Church; and it was also customary to inter the body of a self-murderer, with a stake driven through it, in an open street. The first part of this law, though never repealed, fell long ago into disuse, the judges having made it their practice to quash a coroner's inquest that brought in a verdict of *felo-de-se*, on the ground that suicide should always be considered a species of mental derangement.

The barbarous mode of burying such persons also gradually fell into disuse, and was abolished by the statute 4th, GEORGE IV., c. 52. The forfeiture of the burial rites of the Church, however, still remains, though the body may be interred in consecrated ground. The verdict of a coroner's inquest is not considered positively conclusive, and may be appealed from. The appeal is usually heard in the Court of Queen's Bench, and, if sufficient cause is shown, the decision of the coroner's jury may be quashed, and it is at the discretion of the court to order the taking of another inquisition. These appeals are usually made by the executors or administrators of the deceased in cases of *felo-de-se*, either real or supposed, where they are dissatisfied with the verdict returned. Statutes 6th and 7th, VICTORIA, c. 12, c. 83, makes provision, however, to prevent a verdict from being quashed on account of certain technical defects.

In cases of *ruptus virginum*, or rape, if followed by instant prosecution, the coroner to whom the complaint was made was to attach the offender by four or six pledges; or, if there were no very strong marks of presumptive guilt, only by two.

The coroner was also bound to inspect the injuries of any wounded person, and if they were mortal, and the guilty party could be found, he was to be taken and detained till the injured person recovered, or else he might be attached in four, six or more pledges, according to the severity of the wounds. And if the party in custody was a stranger, and could give no pledge, the

goal, says Bracton, was to be his security. The habit, which still prevails, of the taking of *ante-mortem* statements by a coroner or magistrate, is identical with that custom. Formerly, coroners were obliged to commit to prison persons charged with manslaughter, and were not able to admit them to bail. Now, however, 22d, VICTORIA, c. 33, gives them that power.

When, after the commission of a crime, the offender had sought refuge in a church, abbey or other privileged place of sanctuary, it was the coroner's duty to go with his jury to the retreat of the criminal, and there, after taking down his confession, to administer to him the oath of abjuration, by which the offender swore to forsake the realm forever; and in this matter there was no medium to be observed, but the criminal had either to quit the sanctuary and stand his trial before his peers, or else confess his crime and abjure forever the realm. This duty was considered so important that none but the coroner could perform it. He likewise designated the port by which the offender was to quit the realm. According to statute 21st, HENRY VIII., c. 7, the felon, before he abjured, was to be marked with a hot iron in the brawn of the right thumb with the letter A; and by 22d, HENRY VIII., c. 7, the criminal, instead of abjuring the kingdom, was to abjure only from the liberties of the realm, to be confined in a sanctuary during life, and was to be burnt in the hand. But by the statute 21st, JAMES I., c. 28, sanctuary and all it dependencies were abolished, and the coroner's powers in this matter done away with.

By the statute WEST. I., c. 10, c. 26, the coroner was prohibited from taking any reward, on pain of *grievous forfeiture* to the king, for the doing of his office, and if convicted before the justice of so doing he was to render *double damages* to the plaintiff. And though we find, in Blackstone's Commentaries, that Coke is quoted as complaining bitterly of the departure from that ancient custom, by allowing fees to the coroner, in which complaint Blackstone joins, it does not follow that that officer received no compensation for his services; for under EDWARD I. it was one of the complaints of the Bishop of Durham, in Parliament, that the king's bailiff, in whose hands the royalty of the bishopric then was, had made an undue levy or distress upon the bishop's separate tenants, and not upon the general episcopate, for the support of the coroners and the king's sub-bailiffs. So that, probably, the proper interpretation of the statute is that the coroner was forbidden, under severe penalty,

to accept anything from outside parties for the doing of his office. The first known statute which fixes a regular fee for the coroner is that of 3d, HENRY VII., c. 1, which allowed the sum of thirteen shillings four pence for every inquisition taken in a case of murder, which was to be paid him out of the criminal's goods, or, in case of his flight, by the township. The Act I., HENRY, c. 1, directed that in cases of persons slain by misadventure, the coroner was to receive nothing, under penalty of a fine of forty shillings, and gave to the justices of assize and justices of the peace the power to hear and determine the offence. Later, the Act of Parliament, 25th, GEORGE II., c. 29, repealed the foregoing, and reads as follows:—

"To the intent, therefore, that coroners may be encouraged to execute their office with diligence and integrity, it is enacted, That for every inquisition which shall be duly taken in *England*, by any coroner or coroners, in any Township or place contributory to the County rates, the sum of twenty shillings; and for every mile which he or they shall be compelled to travel from the usual place of his or their abode, to take such inquisition, the further sum of nine pence, over and above the said sum of twenty shillings, shall be paid to him or them out of the monies arising from said rates, by order of the justices of the peace, in their General or Quarter Sessions; which order they are authorized and directed to make, and for such order no fee or reward shall be paid to the clerk of the peace or any other officer."

"And for every inquisition which shall be duly taken upon the view of a body dying in any goal or prison in England, by any coroner or coroners of a county, so much money, not exceeding the sum of twenty shillings, shall be paid to him or them, as the justices of the peace, in their General or Quarter Sessions assembled, for the County, Riding or Division wherein such goal or prison is situate, shall think fit to allow as a recompense for his or their *labour*, *pain* and *charges* in taking such inquisition, to be paid in like manner, by order of the justices, and for which order no fee or reward shall be paid to the clerk of the peace, or any other officer."

And a proviso to this act still reserved to the coroner the old fee of thirteen shillings four pence for inquisitions taken in the case of murder, over and in addition to the above fee of twenty shillings. Subsequently, the question of the coroner's fees was the subject of

the statute 7th, WILLIAM IV. And the Act of Parliament, 1st, VICTORIA, c. 68, is the one under which coroners now receive their remuneration, receiving salaries, according to their services, averaging from £2 to £2,000 per annum. This act directs coroners to pay medical witnesses immediately after the termination of the proceedings at any inquest. They are also to lay their accounts before the justices of the peace, in General or Quarter Sessions assembled; or the coroners of boroughs are to lay them before the town council, by whom they are to be audited, and the coroner is paid out of the county rates or the borough fund.

It has also been customary for coroners to grant warrants or orders for the burial of a body in cases where no effectual inquisition can be taken, which has been highly satisfactory to the public, as tending greatly to reduce the expenses of the office; but, strictly speaking, the practice is unwarranted by law, as the coroner has no jurisdiction but *super visum corporis*. It is the duty of peace officers to send for the coroner in case of sudden and violent death; but where an authorization to inter is simply required, a certificate of the cause of the death is obtained from the minister, church-warden and principal inhabitants of the parish, and transmitted to the coroner, who, if the statement be satifactory, grants his permissive warrant, and the inquest is dispensed with.

Such was, and still is, as related in the foregoing pages, the condition of the coroner's office in England at the present day, and though now shorn, either by legislation or custom, of many of the privileges and rights formerly pertaining to it, it still remains an office of great importance in the judicial administration of that country, being one of the primary springs of the law for the detection and punishment of crime; and though, in the olden time, as we have seen, there was ample legislation on the subjects of coroner's law, historians and romancers seem to have neglected that official. Still, it may possibly interest some of our readers to learn that a coroner's inquest was held upon the remains of Amy Robsart, the ill-starred wife of Robert Dudley, Earl of Leicester, whose marriage, life and tragic death Sir Walter Scott chose as the theme of one of his most fascinating novels.

According to the novelist and popular opinion, the unfortunate woman's death is supposed to have been the crime of her husband's Esquire, Richard Varney, secretly connived at by the earl. But

time, which eventually brings all things right, has cleared Leicester's memory of this foul stain, papers having been discovered which tend to remove all suspicion from him. Amy Robsart died in September, 1560, and Craik, in his "Romance of the Peerage," quotes several letters from the earl to his kinsman, T. Blount, then at Cumnor Manor, wherein he commands him to do all in his power for the learning of the truth:—"And as by your own travail and diligence, so likewise by order of law, I mean, by calling of the coroner, and charging him to the uttermost from me, to have good regard to make choice of no light or slight persons, but the discreetest and [most] substantial men for the juries, such as for their knowledge may be able to search thoroughly and duly, by all manner of examinations, the bottom of the matter, and for their uprightness will earnestly and sincerely deal therein without respect, and that the body be viewed and searched accordingly by them, and in every respect to proceed by order and law." Other letters from T. Blount to the earl are contained in the same work, giving an account of the progress of the inquest, which fully exonerated the earl or any of his followers from all blame. A most interesting paper on this subject may be found in the "Proceedings of the Literary and Philosophical Society of Liverpool," Vol. XXXII., 1877–78.

An inquest was also held over the body of Thomas Chatterton, the "boy poet," on Friday, August 27, 1770, at the "Three Crows Tavern," Brook street, Holborn, before Swinson Carter, Esq., coroner, and the following jury: Charles Skinner, Meres, John Hallier, John Park, S. G. Doran, Henry Dugdale, G. J. Hillsley, C. Sheen, E. Manley, C. Moore. Four witnesses were examined, who gave evidence to the effect that Chatterton had swallowed arsenic in water, on the 24th of August, and died in consequence thereof on the day following. The jury rendered a verdict of "*Felo-de se.*"

As another interesting fact, we may state that a coroner recently died in England, in whose family the office of coroner had been hereditary over three centuries.

Coroner's law exists in the United States as it does in England, the duties of the coroner consisting principally in the investigation of deaths occurring suddenly or under suspicious circumstances, though the office seems to have been brought over from the mother country, with all its advantages and its primitive im-

perfections. The English custom of electing a coroner for life was early done away with; for in the old State Charter of Pennsylvania it is directed: "That on the 13th day of the 3d month freemen shall elect sheriffs and coroners to serve for the year next ensuing." After the election returns had been sent to the State Council, and duly examined, the candidate receiving the majority of votes was declared elected. In the "Proceedings of the Pennsylvania State Council," for 1736, we find an entry ordering that a commission shall be issued to Owen Owen, who seems to have been the first coroner of Philadelphia. In the State of Pennsylvania, as directed by the new Constitution, coroners are elected every three years. For the other States the mode of electing and appointing coroners was, and still is, varied, as will be seen on reference to the "Digest" of laws on the subject, some being appointed by the Governors of the States, others being appointed by the county courts. Again, in some States, the duties of the coroner are performed by trial-justices, justices of the peace, aldermen, selectmen, and, recently, in Massachusetts, the office of coroner has been entirely abolished, and a corps of medical examiners created instead, in cases of murder or foul play the preliminary hearing being conducted before a magistrate or a justice of the peace. The laws in certain of the States also differ materially from each other as regards the coroner's functions and jurisdiction, Pennsylvania and Louisiana being the only two States where the old coroner's law, as existing in England, has not been repealed in its entirety; for though the laws in these two States now differ considerably from the old English law, yet no Act of Legislature for their repeal has ever been passed. Coroner's law in the State of New York, so far as strictness and precision go, is also very similar to the ancient English law. In the State of New Jersey it is left to the discretion of the coroner or justice of the peace holding the inquest whether he will summon a jury or not, and in cases of shipwreck it is the coroner's duty in that State to provide for the shipwrecked sailors, a provision which is not found in any other State in the Union. In Indiana the coroner's jury has been entirely done away with. In the State of Florida a jury of not less than fifteen is required, and in many of the other States the number of jurymen required varies. No inquest is necessary in Georgia, where there has been a previous examination before a competent tribunal, or in cases of death by accident or by the

"hand of God." The coroners in Oregon are directed by law to hold inquests in cases of death or wounding. But, notwithstanding all these variations in the modes of election, the time for which elected, and the different systems of procedure in each State, coroner's law operates throughout the United States on the same fundamental principles as in England, though many of the unjust absurdities of the English law never were adopted in this country. The *deodand*, for example, never was in use, save in an informal manner, and soon dropped out of existence. Neither has insufficiency of estate ever been looked upon in the United States as disqualifying an individual for the office of coroner; far more important than knighthood or its pecuniary equivalent of £20 per annum, or even bare respectability, we regret, have been the candidates' influence with the leaders of the dominant political party.

Originally, in many of the States, the coroner was paid by fees; but now, as in England, an effort is being made to supersede the fee system, which was simply an inducement to the coroner to stretch his prerogative and hold inquests in cases where the law never intended they should be held, by paying that official a fixed salary, usually estimated upon the number of the inhabitants in his county. Already laws to this effect are operative in the States of New York, Pennsylvania and Ohio.

In England and in this country there was, and has been at various times, much dissatisfaction at the manner in which coroners attended to their duties. They were charged with ignorance of the causes of sudden death and of medical science generally; with carelessness, and with being desirous of holding as many inquests as possible, in order to increase the number of their fees. In 1825, the complaints were so universal in England, that Thomas Wakley, Esq., M. P., the conscientious and fearless editor of the "Lancet," which he founded about that time, was so impressed with this carelessness and inefficiency that he investigated it thoroughly. Finding that the position was chiefly held by attorneys or private individuals, he drew the attention of the public to the glaring incongruities of electing persons ignorant of the causes of death to fill an office where such knowledge was absolutely necessary, and, by continuous and courageous agitation, urged the filling of the office of coroner by medical men. For many years he bitterly opposed, in the columns of the "Lancet" and in the House of Com-

mons, the system of appointing attorneys or ignorant laymen to coronerships, and, after spending a fortune and being once defeated, he was elected, in 1839, coroner for Middlesex, London, which office he held upwards of twenty-three years, never ceasing his labors for the reform and improvement of the customs of the coroner's office. To his efforts, mainly, are due the rescuing of that time-honored institution from the approbrium which was being cast upon it. Since Wakley's time, in England, the person usually elected is a medical or surgical practitioner.

Here in the United States, up to the present day, physicians, lawyers and, more frequently, politicians have been the usual candidates for the coronership. The people, however, are gradually finding out that a layman, unless he has made the object in view his special study, is generally incompetent to ascertain the causes of a death under suspicious circumstances, or, in cases of accident, is usually unable to detect the incompetency of medical witnesses, to discover erroneous conclusions or to weigh conflicting evidence; and the day is rapidly approaching when "professional qualifications," and not "political availability," will be the stepping-stone to the position of coroner.

In 1839, Dr. Heintzelman was elected coroner of the city of Philadelphia, and was the first medical man who held that position here. In 1841, Dr. C. B. Archer was chosen coroner in New York, and we are glad to be able to note that, in 1868, the Maryland Legislature enacted a law requiring that the four coroners for Baltimore city must be medical men. In the State of Louisiana, out of some fifty odd coroners, over half are medical men.

In these days of gigantic forgeries, of railroad catastrophes steamboat collisions, boiler explosions, Tay Bridge disasters, experts in handwriting, railroad men, pilots, engineers and constructors are usually appointed to investigate and discover, if possible, the causes of the accident. A lawyer or ignorant private individual, if handed a watch which had suddenly ceased to go, either from a fall or any unknown cause, would not be expected to state the cause of its stoppage; yet this is what the non-medical coroner is expected to do with the thousand times more intricate piece of machinery—the human body.

Certainly the medical profession has more than a claim upon an office whose special object is the inquiry into the cause of a death happening out of the ordinary course of nature. The physician,

certainly, is not less fit for the office of coroner than the attorney or uneducated politician. He is, by implication, an educated man, with years of study before he obtains his diploma, and afterwards always adding to his knowledge as he follows the advancing stride of medicine. For men of general learning and culture, medicine yields to no other profession;—the literature of the world abounds with their names. What a galaxy of talent! Galen, the father of medicine;—Boerhave;—the eccentric Radcliffe;—Haller;—Harvey, the discoverer of the circulation of the blood;—the philosophic John Brown, and his friend William Cullen;—Sir Astley Cooper;—Bichat, who died a martyr to his love for science;—the accomplished Marshall Hall;—the great surgeon, Sir Charles Bell;—the erratic Abernethy, with all his skill and genius, will always be venerated by the student of medicine;—Brodie;—the Hunters;—Southwood South;—Lawrence, are enough for England. The no less brilliant talents of our own medical men are becoming every day more known. Dunglison, the medical historian and lexicographer;—Brown Sequard, who is better known in Europe than in his native land;—Ricord, almost passes as a Frenchman;—Wood and Bache, whose "Dispensatory" has superseded all the best English works on the subject;—Thomas, whose book on "Midwifery" is considered in England to surpass any of their own productions, and last, but not least—Gross—well surnamed the "Nestor of American Surgery," whose book is considered as classic, and quoted the world over. These, and many other names, will always remain as landmarks to stimulate the minds of men to a proper appreciation of the high aims of the medical profession.

Why go any further? We consider our position impregnable, when, on behalf of the community at large and in the interests of public safety, we urge that the office of coroner, in this country as well as in England, should be filled by an intelligent and thoroughly educated medical man of inflexible principle and irreproachable morals. We trust, also, that the day is not far distant, when, in addition to the exclusive selection of medical men as coroners, their term of office will be extended from the ridiculously short terms of three, two and, in some instances, only one year, to the term of at least ten years, or during good behaviour. For, as the law now stands in many of the States of our Union, a coroner cannot be re-elected to serve two consecutive terms; and, owing to the shortness of his term of office, a coroner has probably just acquired

a thorough knowledge of his duties, when he is hustled out to make room for his successor, who is as ignorant as he himself once was. Were this custom changed, there would be fewer complaints heard about misconduct and negligence on the part of the coroner and his subordinates. This view of the subject has possibly never occurred to our law-makers, as they would doubtless have given it their attention.

Having given a synopsis of the laws of England and America, we propose now to give a slight synopsis of the manner in which similar inquiries are made in Scotland, France, Germany and other European countries.

In form, at least, the judiciary system of Scotland differs considerably from that of England, the prosecution of crime not being left, as there, to the injured party or his friends, but being intrusted to a public official, who conducts the prosecution at public expense. The Lord Advocate or the Advocates-Depute are the public prosecutors for crimes throughout all Scotland, all cases of importance being tried before the High Court of Justiciary, whose powers extend over the whole of Scotland, and whose circuits travel twice a year through the counties.

Besides the Court of Justiciary, there is in each considerable town a Burgh-Court, and in each county a Sheriff-Court, both for the trial of lesser offences. The Justices of the Peace also take cognizance of smaller crimes.

In each county or burgh a public officer, named Procurator-Fiscal, is appointed, whose duty it is to receive all complaints from individuals who have been injured in their persons or estates within the limits of his jurisdiction, and to prepare such cases for prosecution before one of the above courts, according to their nature and their degree of criminality.

The Justices of the Peace in each district have also a Procurator-Fiscal, who prosecutes before them in cases fit for their decision.

In the event of a murder occurring in any county or burgh of Scotland, the law proceeds as follows: "Upon the information of the injured party or his friends, a complaint is made out by the Procurator-Fiscal of the burgh, county or district where he resides, and the offender or suspected criminal, after being judicially examined at the *precognition* or preliminary hearing, is committed to prison for further examination, the Procurator-Fiscal in these cases acting as coroner, being assisted in the medical examination

by a properly qualified medical practitioner, who sends in a written report of his examination. The whole evidence in the case is brought together and reduced to writing, with the view of being immediately submitted to the Crown counsel and of serving for their brief in the trial. The accused, according to the nature of the evidence, may be either committed for trial or admitted to bail by the sheriff or other magistrate who has superintended the Procurator-Fiscal in the collection and investigation of the evidence. The result of the precognition having been transmitted to the Crown counsel in Edinburgh, it is their duty to determine on the propriety of a prosecution, and they have the power to terminate the proceedings and liberate the prisoner, or to direct that the accused be detained for indictment before the higher courts. When it has been decided by the Crown counsel that the prosecution is to be gone on with, the trial takes place at the High Court, at the Circuit, or at the Sheriff-Court, and the indictment is made out and the case prosecuted by the Lord-Advocate or one of his deputies."

The bill of indictment narrates minutely the nature of the crime, the place where it was alleged to have been committed, specifies all articles to be used in the evidence, and contains a list of the witnesses.

At the commencement of the trial the witnesses are locked up, in the charge of an officer of the court, and are separately called and examined publicly on oath.

The Scotch High Court and Circuit Courts of Justiciary correspond with the English and American Courts of *Oyer and Terminer* or Assize, in which murder cases are always tried.

Since the year 1808, the machinery of criminal procedure in France has been as follows: "The Court of Simple Police takes cognizance of all offences involving a slight fine or short imprisonment. The Court of Correctional Police hears appeals from the above-mentioned court, and deals with crimes of a more serious character. The Criminal Court is the tribunal for the trial of capital crimes. It is held like our own courts of assize, in Paris, monthly, and four times a year on circuit in the provinces. The *Procureur-Imperial* and the *Procureur du Roi*, or the *Procureur de la Republique*, according to which ever form of government exists in France, corresponds to our District or Prosecuting Attorney, and appears for the State. The Court of Appeal hears appeals from the Courts of Correctional Police; the Court of Cessation or Repeal annuls

sentences, judgments and decrees attacked on the score of incompetence, informality or unjust severity. The decree of this court is not, however, final; the accused party may be detained in custody and a new trial had before a criminal court. In France there is no coroner nor any magistrate with similar duties."

Art. 44, *Code d' Inst. Crimin.*, directs the Procureur, in cases of violent death or death occurring under unknown or suspicious circumstances, to take with him to the place of crime one or two health officers or physicians, who report on the cause of death and the condition of the body. Prior to making their examination they are sworn by the Procureur to make their report and to give their opinion truly and correctly, on their honor and conscience. The Procureur has the power to summon witnesses and take their testimony in writing, which is read to and signed by them. He has the power to prevent egress from the house and to seize all papers and other articles supposed to be connected with the crime. All documents and everything relating to the case are then sent to a Judge of Instruction, who examines the witnesses, interrogates the criminal, and who has it in his power, by rendering an "ordonnance de non lieu," to set the accused at liberty or to send the case for trial before the criminal court.

In cases of urgent necessity, as upon the requisition of the head of a family, Judges of Instruction, Justices of the Peace, officers of Gendarmerie, Commissaries of Police, Mayors and assistants may, if the Procureur is absent, or if delegated by him, act in his place, according to the same forms and rules which govern him.

According to Article 77, *Du Code Civil*, "No interment shall be made without an authorization, to be given upon unstamped paper and free of charge, by the civil officer (a mayor or his assistants), who shall only deliver the same after having visited the deceased and assured himself of his death, and also only after the lapse of twenty-four hours after death, except in the special cases provided for by the rules of police."

Article 78 further states: "The certificate of death shall be delivered by the civil officer upon the declaration of two witnesses. These witnesses shall be, if possible, the two nearest parents or neighbours of the deceased, and when a person shall have died out of his or her dwelling, the person in whose house the person died and a relative or some other party."

This system, which is the one generally in use throughout the

provinces, is only half carried out, it being naturally impossible for a mayor or his assistants to visit and examine the bodies of all deceased persons in their districts; so that only the second part of it, as contained in Article 78, without attempting to view the bodies, is obeyed.

In Paris, however, the verification of deaths is conducted differently and with much greater care, that city being divided into thirty-six arrondissements, with an official known as a "Médecin-vérificateur" attached to each arrondissement, and subject to the orders of the mayor of that arrondissement. The functions are well defined in a circular addressed to the different mayors by the Prefect of the Seine, Count Rambuteau, July, 1844.

Information having been received at the mayor's office, according to Article 78, an order is sent to the "Médecin-vérificateur" of that arrondissement, and it becomes his duty to visit, within twenty-four hours, the house where the death is said to have occurred, and there, acting courteously but firmly, to examine the body and question the members of the family and people in the house, and, if necessary, the deceased person's physician, and if the investigation is satisfactory, upon his reporting the result at the mayor's office, the necessary burial permit is issued. Besides the thirty-six "Médecins-verificateurs," a decree of the Prefect of the Seine, in 1839, instituted for Paris four "inspecting physicians" and four "assistant inspecting physicians," who receive duplicates of the orders sent to the "Médecins-vérificateurs," and whose duty it is to visit a certain number of the houses from which a death is reported as much as possible a few hours after the visit of the first-named official, and thus a thorough system exists by which the "Médecin-vérificateur" is controlled. The "inspecting physicians" and their assistants meet every month at the Hotel de Ville, under the presidency of the Prefect of the Seine, or his delegate, to whom they communicate the result of their reports.

Article 356, *Du Code Pénal*, directs "That those who, without obtaining the previous authorization from the proper public officer, shall inter a deceased person, shall be punished with from six days to two months imprisonment, with a fine from 16 francs to 50 francs," etc.

Hence the difficulty in the concealment of crime from the French authorities.

The Italian mode of procedure resembles, to a certain extent, that in vogue in France.

In Austria and Russia the primary investigation of crime and its subsequent prosecution are the attributes of the public prosecutor.

In Prussia, and throughout the German Empire generally, the judicial system very much resembles that of France. No interment can take place without an authorization from a magistrate, who assures himself first of the manner in which the deceased came to his death. In cases of murder or suspected foul play, the investigation is conducted by a judge of first instance, assisted by the official district physicians and surgeons, an actuary and the officers of the court, testimony for and against the accused being heard.

In all these countries the investigations are conducted privately and with great care.

It is hardly necessary to point to the differences existing between the laws of foreign countries and our coroner's law. Their respective advantages and disadvantages are at once apparent. Such an institution like a "writ of *habeas corpus*" is utterly unknown on the continent; the accused, be he guilty or innocent, is almost entirely at the mercy of the investigating officials. There is no jury; the examination is conducted secretly, evidence being obtained from the suspected criminal while in prison by a continued system of skilful and repeated questioning, amounting, in many instances, to a species of moral torture, and the information thus extorted is liable to be used against him. The prisoner may be confronted with the witnesses and required to explain any inconsistencies existing between his and their evidence. The "criminal instruction," as this exhaustive system of inquiry is called, is pursued for a length of time absolutely at the discretion of the magistrate, lasting, occasionally, for several years, if the presumption of guilt is strong and the proof defective, during which time the accused may be debarred from his liberty. While in this country the judicial inquiry takes cognizance only of the facts and circumstances *directly* connected with the commission of the crime, and the witnesses are only examined as to what they have seen or heard at or before the time the crime was committed, European law makes every effort to clear up all doubtful circumstances connected with the case, and extends its inquiries backwards over an indefinite period of time. The previous life of the accused is made the subject of searching investigation. He is followed step by step from the time of his birth to the day of his imprisonment; his youthful follies and passions, as well as his opinions—political

and otherwise—social relations and habits, are all considered as circumstances from which presumptions as to his guilt or innocence may be drawn. That such a comprehensive mode of procedure is well calculated to obtain the end in view,—of convicting a man who is presumed by the law to be guilty unless he can prove his innocence, instead of innocent until the crime is brought home to him,—is well suited to the European manner of administering justice, we do not doubt. We are, however, convinced that such a method would be very unsuitable in this country, as being entirely foreign to the spirit of equity which pervades the old-fashioned customs of America and England.

We are led to state this in the face of the demands now heard on many sides for the abolition of the office of coroner, it appearing to us that, imperfect as our system is, it has many advantages which may be urged in its favor. The coroner, to whom, in this country, is entrusted the supervision of all matters relative to ascertaining the cause of death of an individual, is in most cases elected by the community at large, as in strict accordance with the jealous policy of the ancient English law, where all who were concerned in matters affecting the personal liberty of the people. The preliminary hearing takes place in the presence of the public, and, in almost all the States, before a jury, to whom belongs the duty of deciding the case according to the evidence heard by them. Even in States where a jury is not considered necessary before the case can reach a criminal court for trial, it is always passed upon by the grand jury, who thus possess a controlling power; besides which, the *habeas corpus* act always provides ample protection for the accused individual's liberty.

Doubtless, in some instances, when the facts of the case are well known beforehand (and under this heading we include the many deaths occurring, without medical attendance, from natural causes, which the coroner is usually bound by the legislative enactments of his State to investigate), an inquest is unnecessary. But as such we cannot consider the large number of deaths occurring from casualties which it is also the coroner's duty to inquire into, in many cases it being absolutely necessary that there should be such an inquiry instituted as soon as possible after the death of the party; and when a death has been the result of the negligence—either real or apparent—of any firm, company or corporation, the interests of the victim's family, or of his employers, seem to render such an investigation an imperative necessity. Of course, in death from violence

or under suspicious circumstances, the necessity and propriety of an inquest is at once plain.

The real defects of our coroner's law will, we are sure, be found in the fact that the law as brought over from England has been but rarely the subject of legislation, and even then such legislation has been hasty and inconsidered. In some of the States coroners seem to be as much derived from custom as law. Naturally, such a condition of affairs requires a revision: it is not so much the system which is at fault as the instruments which work under it that are defective.

Let the coroner's law, as it now exists in this country, be thoroughly revised by the State legislatures; let the coroner's ministerial duties as a substitute for the sheriff, as writ-server or gaol-keeper, be done away with. In these days of electricity and steam, the executive head of a State is never left long in ignorance of the fact that such an important office as that of the sheriff is vacant. Let the coroner, as said elsewhere, be a well educated medical man, of good standing in the community, elected, as all other county officers are, by the people, the only true source of legitimate power in the United States. Elected by the people, he is subject to all the laws which govern them. Essentially a popular magistrate, he is responsible to none but the people or their representatives, and they should beware how they suffer popular institutions to be taken away from them. Let his functions be clearly expressed and defined by the statutes as to when he is to investigate, and by what means he shall inquire into the cause of the death of a human being. If anything, his hands should be strengthened and more power given him, for with all our laws regulating the registration of deaths, inquests and inquiries in police and criminal courts, we have not too much security against the illegal taking of human life. We would, however, suggest that it be left optional with the coroner whether or not to summon a jury, making it only imperative for him to do so in cases of murder or in cases of accidental killing, from which actions for damages may arise. The many other cases of sudden death which are constantly being brought to his notice could easily be settled by a personal investigation and examination of the remains, by himself or his physician, without the needless formalities and expenses of an inquest. But, above all, let the ancient fee system, which was, and still is, a temptation to an often poorly paid official, be abolished, and reasonable salaries paid to the

coroner and his assistants. We then feel confident, not that all complaints would cease, but that every coroner throughout the United States would be enabled to, and would, perform his duties to the entire satisfaction of the community.

The subject of the limits of a coroner's jurisdiction is usually treated of in the statutes of his State, and, as a rule, outside of his own county or district a coroner has no power. If, for instance, a man is wounded in one county and dies in another, it is the coroner of the place where he dies whose business it is to hold an inquest over the body.

When, from any cause, the coroner or his deputy is absent or cannot receive information that their services are required, it is the duty of the nearest magistrate or justice of the peace to hold the inquest.

In the case of Lancaster County *vs.* Dern, Long, J., C. P., held that "It was the duty of a coroner to inquire into the cause of all violent or extraordinary deaths." And that "When death occurs from any violence done to a person by another, although such violence may not suddenly terminate the life of the party injured, it is still the duty of the coroner to hold an inquest." This opinion having been taken to the Supreme Court upon a writ of error, that tribunal approved of it. From this it would seem that a coroner is bound to hold an inquest in all cases of death from accidental injury, broken limbs, burns and the like, even when the deceased has not died immediately, but has lived days or weeks, and then died from some complication brought on by the injury, as it should be determined whether any person is guilty of criminal negligence or otherwise liable for his death. And as it is the coroner's duty, as a judicial officer, to decide whether or not he has a right to hold an inquest on the body, he should insist upon all such cases being brought to his notice, and not leave it to the discretionary judgment of physicians or officers of public institutions.

Like any other public officer in the United States, the coroner is answerable to the higher authorities for the proper performance of his duties, and in cases of *mal* or *non-feasance* in office or unworthy conduct outside, he is as amenable to the law as any other citizen. Most of the States, in their different statutes, define for what derelictions, as well as when and how, he may be called to account.

On the coroner's functions as a substitute for the sheriff, or as a ministerial officer, we shall not dwell, it being rare, now-a days, for

a coroner to act in any capacity save as an investigating officer in cases of death. Having been elected or appointed, as the case may be; sworn to the performance of his duties by the proper magistrate in his county, and entered security as directed by the statutes of his State, the coroner receives his commission as a county officer. His court or office is usually situated in the county town, but in country districts inquests are held in the most suitable place at or near the residence of the deceased,—in large cities he sometimes has two offices. Notice that a death requires his attention is in cities and towns given him by the police, or reaches him through other channels; in the country, the friends, neighbors of the dead person, or the authorities notify him. Upon receipt of such information it is his duty to proceed to and view the remains and satisfy himself of the necessity of an inquest, after which he summons a jury and acts in accordance with the laws regulating his duties. As the forms and directions for holding inquests are given in nearly all the States, and differ somewhat from each other, we do not think it necessary to here describe the manner of holding an inquest.

In many of the States the statutes direct that the jury shall be sworn "*upon view of the body then and there lying dead.*" In some places, however, especially in our populous centres, this part of the law has fallen into desuetude, and with just reason, for the average citizen is unable to appreciate the nature and extent of injuries or wounds; besides which, the sight of a corpse is repulsive to many persons. The coroner, however, should either view himself or cause his deputy to view the body of every person upon whom an inquest is to be held. The importance of observing this rule cannot be too forcibly impressed upon a coroner's mind, for only by so doing can a positive certainty that the individual is dead be acquired. Cases have often occurred, both here and in England, where inquests have been held over the bodies of persons who were not dead, but who resorted to the stratagem of feigning death in order to defraud insurance companies, or for other criminal purposes

Everything found on the unknown dead should be carefully preserved, while an accurate description of their bodies should be taken and recorded in a book kept for that purpose, in order to facilitate their possible identification after burial. In some of our large cities it is the practice of coroners to cause the bodies of unknown persons, when not too much decomposed, to be photo-

graphed, the photographs then serving as valuable means for future identification. Such a practice cannot be too highly commended, for all know the great importance at times to families and the State of being able to positively prove the death of an individual, and we would urge upon all coroners having the necessary funds at their disposal not to fail in its observation.

In cases of murder, the clothes of the deceased, as well as the weapon with which the crime was committed, should be marked and preserved by the coroner, ready to be handed to the proper authorities upon their written requisition. As a general rule, coroners, for their own safety, should never neglect to take a receipt when allowing the valuables or other effects found upon a body to pass out of their hands.

The statutes of many of the States leave it to the discretion of the coroner and his jury whether they will have a *post-mortem* examination made or not; but it is clearly the duty of a coroner to hear medical testimony as to the cause of death. And in all cases of death, where the cause is not made apparent by the viewing of the remains or the history of the case, he should order an autopsy; for it is only by having a medical examination, in doubtful cases, that it will be possible for the jury to return a proper verdict, or for him to make a correct return of the causes of death to the registration office of his State. As the idea of an autopsy is, as a rule, extremely repugnant to the feelings of the relatives and friends of a deceased person, no coroner should order one unless absolutely necessary. In all cases of murder a *post-mortem* examination is a necessity, and should on no account be dispensed with. The Supreme Court of Pennsylvania (Commonwealth *vs.* Harman, 4 Barr., Pennsylvania Reports), "held it to be the duty of a coroner in every case of homicide to make a *post-mortem* examination, and that the county was bound for the expense of such proceeding; and this without statutory provision." In order to avoid continuing an inquest from one day to another, all autopsies should, if possible, be decided upon and made previous to the hearing. The coroner himself should, as often as possible, be present at all *post-mortems*, so as to verify the exactitude of his physician in the performance of his duties. He should likewise afford him all necessary aid and protection.

As the coroner's power to hold an inquest must, *per se*, include the incidental means of rendering that power efficient, so, when

the Legislature of his State has omitted to give him that power by statute;—custom, which in many instances is stronger than law, will allow him to employ all reasonable means to compel the attendance of jurors and witnesses. In all cases within the jurisdiction of the coroner or his deputies, they have the right to enter any private dwelling, public or private institution, for the purpose of holding an inquest, and, if requisite, may call upon the proper civil authorities for aid and protection while enforcing compliance with the requirements of the law.

The examination of witnesses, which is another of the coroner's attributes, should be conducted in such a manner as to elicit all the information possible, and make the facts of the case clear to the jury. Here a slight modification might be suggested in the mode of procedure. Witnesses should be kept in a different room from that where the inquest is being held, and not allowed to hear each other's testimony. Were that the case, we think that in many instances the result of inquests would be different from what they often are. Witnesses are bound to answer all questions which may be put to them, unless the answer would tend to criminate themselves. The late Mr. Wakley, of whom mention has already been made, prepared a series of questions, which will serve as a guide to the coroner in this important part of his duty:—

"1. When did the death happen?

"2. When was the body found?

"3. Was the deceased a male or female? an infant, lunatic or pauper?

"4. What is thought to have been the cause of death?

"5. Is the body in a fresh or decomposed state?

"6. If it be supposed poison was the cause of death, what was the poison?

"7. If any medical practitioner was in attendance before death, what was his name?

"8. If the death was sudden, was there any previous illness, and for what length of time?

"9. At what public house or other place is the inquest to be held?

"10. How far is the body from that public house or other place?"

The last two questions are, of course, useless in this country, and, in many cases, answers to a few of the others will be sufficient. The name of the person who found the body should always be as-

certained, and an effort should be made to determine the day and hour when the deceased came to his death. Any juror may ask what questions he sees fit, but the coroner is not obliged to permit lawyers or other persons to complicate matters by ill-advised questions.

It is, in fact, entirely discretionary with a coroner whether he will admit the public to the inquest, it being now a settled matter, in England at least, that the coroner has the right to exclude from his inquests, not only particular individuals, such as lawyers or medical men, but the public generally (2 Burn, 36th Ed., 1845), and this rule will doubtless apply to the United States, though in only one State—in Texas—is such a power given the coroner by the statutes. It has also been decided, in England, that it is illegal for any person to publish a statement of the evidence given before the coroner's jury, even though it be correct, and the party publishing it being not actuated by any malicious motive. If this were more widely known, how many papers would be deprived of their sensational articles, and rendered liable to prosecution! But though we consider that, in certain exceptional cases, a coroner may be justified in occasionally closing the doors of his court to the general public, yet we think that in no case ought he to push his prerogative so far as to exclude representatives of the public press from an inquest. Elected by the people, the coroner, like any other public officer, is accountable to the people, and the public at large are entitled to a full and correct account of all that takes place before him.

Besides being informed by the proper authorities of the many cases requiring his attention, a coroner will have much to do with that miserable class of individuals—anonymous letter writers—who infest every community, and many of whose communications will trouble him during his term of office. Though the laws of each State usually provide under what conditions the coroner shall take an inquisition, yet it will probably be found necessary to look into the veracity of all anonymous statements. Of course, many will be ascertained to be devoid of truth, and written by their authors with mischievous or malicious intent, but the fact that occasionally, in certain exceptional cases, by exercising some discretion, a coroner may be enabled to prevent a violation of the law and unearth a crime should not be overlooked; though, as a general rule, we have always observed that, in most cases of

foul play, the true facts of the case, or a suspicion of them at least, are generally known to the neighbors of the deceased person, if not current gossip amongst the community at large. We therefore advise a coroner to investigate quietly all cases that are thus brought to his notice,—in such a manner, however, as to avoid all unnecessary publicity, as otherwise much injury might be done to innocent persons.

Even in those States where no provision is made by law for the burial of unknown or unclaimed remains, a coroner should always cause them to be decently interred, each body separately; also, marking the graves, in order that, if need be, they can be exhumed at any future period for the purpose of identification, re-dissection or removal. A coroner is also, in some States, directed to turn over bodies to the medical colleges. By rigidly adhering to the letter of these statutes, and by placing the bodies at the disposal of the different faculties, we think many coroners will be able to avoid all unjust criticism.

A coroner having the appointment of a staff of subordinate officials, should be governed in his selection as little as possible by political reasons, but should select his employés in such manner as will best serve the interests of the community. His deputy should be a man in whose integrity and executive abilities he can place absolute confidence; for if his county or district be at all large, he will be obliged to rely considerably upon him. In the choice of a physician for the making of autopsies, too much care cannot be exercised. Much credit or blame will attach to the coroner, who is rightly considered responsible by the judicial authorities, for any mistakes or omissions made by his physician. As much as possible, all *post-mortem* examinations should be made by the same physician, in order that the community may benefit from any previous experience acquired by him in former cases. The physician selected should be a man of unsullied reputation, well read in his profession, thoroughly impartial, without prejudice, and fearless in the performance of his duties; for upon his dictum alone, in many instances, will hang the life of an accused or innocent party. In places where the physician is apt to be much employed, a man with a large practice should not be called upon by the coroner, for the frequent making of *post-mortems* and his enforced attendance at Court, in the homicide cases, are duties incompatible with the extensive practice of medicine. The coroner—

whether he is a medical man or not—will do well to assist at as many autopsies as possible; for by so doing he will be continually acquiring much useful knowledge, and will also be able to assure himself that his physician does his work conscientiously. He should also hold all his other employés to a strict accountability for the faithful discharge of their duties, and carefully oblige them to abstain from any misuse or abuse of their little brief authority.

Thus curtly have we enumerated what to us has seemed most necessary to impress upon the minds of those filling the highly important office of coroner. In conclusion, we will only say that the coroner himself should be possessed of good common sense, executive ability combined with promptness of action and decision of character;—attributes for which he will find frequent exercise during his term of office. He should also, while strictly upholding the rights and dignity of his office, endeavor to work in unison with the interests and requirements of the two departments above and below him,—the district or prosecuting attorney's office and the police department. Any conflict of authority or clashing of interests between the coroner's office and those two departments is sure to be attended with not only trouble to himself and them, but also cannot fail to be injurious to the interests of the community.

Still, if the coroner will administer his office fearlessly and according to the laws of his State, we feel sure that the clamor which periodically demands the abolition of the coroner and his functions will be heard no more.

We will now pass, in the succeeding portion of this work, to the definition of the duties of a physician who is called upon by a coroner or other public officer to make an autopsy, together with the method of performing one, and other valuable information concerning certain points in the practice and application of medical jurisprudence. For the knowledge of such, we are sure, will prove not only a necessity to the coroner and his medical assistants, but will also be of interest to the profession at large.

CHAPTER II.

THE CORONER'S PHYSICIAN.

UNDER the name of coroner's physician, we propose to consider the physician who is called upon by a coroner to aid him in the medico-legal researches rendered necessary by the death of a human being. In itself, the name cannot be considered as a distinctive title, as any medical practitioner who is called upon to assist a coroner is, for the time being, the coroner's physician. But in certain places,—for example, New York city and Philadelphia,—the coroner's medical assistants, who are his permanent appointees during his term of office, are known under the above mentioned name.

It may be regarded as clearly proved, by the letters patent of Philippe, the Bold, of France, that as early as 1278 there existed, for the purpose of conducting judicial investigations, sworn surgeons; and in 1575, on the 10th day of March, Ambroise Paré was called in by the authorities to examine two men supposed to be dead. Also, in 1603, we find that Henry IV., of France, presented letters patent to his first physician, empowering him to appoint two surgeons in every city and large town, to examine and report upon wounded or murdered persons. In England, there never were any laws passed upon the subject until in 1836, it having been optional until then, to the investigating magistrates or the coroner and his jury, whether they would employ a medical man or not, though, according to the courts, it was considered to be the duty of a coroner, in a case of death resulting from a pugilistic encounter (and the same rule would seem to apply to every case of violent death) to examine a surgeon as to the cause of death. Neither was there any provision made for the remuneration of the medical man, who, whether he had made a *post-mortem* examination or not, could be compelled by a coroner to attend the inquest. In 1836, however, thanks to the labors of Thomas Wakley, Esq., M. P., of whom we have already spoken, the statute 6th and 7th, William IV., c. 89, was enacted, and for this law, which has been the means of putting thousands of pounds into the pockets of medical men, the profession is indebted to Mr. Wakley. In consideration of its general interest, we quote it almost in its entirety.

"*An Act to Provide for the Attendance and Remuneration of Medical Witnesses at Coroner's Inquests:* WHEREAS, It is expedient to provide for the attendance of medical witnesses at coroner's inquests,—also remuneration for such attendance and for the performance of *post-mortem* examinations at such inquests; Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords, spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, whenever, upon the summoning or holding of any coroner's inquest, it shall appear to the coroner that the deceased person was attended at his death or during his last illness by any legally qualified medical practitioner, it shall be lawful for the coroner to issue his order, in the form marked [A] in the schedule hereunto annexed, for the attendance of such practitioner as a witness at such inquest, and if it appear to the coroner that the deceased person was not attended at or immediately before his death by any legally qualified medical practitioner, it shall be lawful for the coroner to issue such order for the attendance of any legally qualified medical practitioner, being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the coroner, either in his order for the attendance of the medical witness or at any time between the issuing of such order and the termination of the inquest, to direct the performance of a *post-mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any inquest; provided, that if any person shall state upon oath, before the coroner, that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner, or other person, shall not be allowed to perform or assist at the *post-mortem* examination of the deceased.

"II. And be it further enacted, That whenever it shall appear to the greater number of the juryman sitting at any coroner's inquest that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner, or other witness or witnesses who may be examined in the first instance, such greater number of jurymen are hereby authorized and empowered to name to the coroner, in writing, any other legally qualified medical practitioner or practitioners, and to require the coroner to issue his order, in the

form hereinbefore mentioned, for the attendance of such last mentioned medical practitioner or practitioners, as a witness or witnesses, and for the performance of a *post-mortem* examination, with or without an analysis of the contents of the stomach or intestines, whether such examination has been performed before or not; and if the coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor, and shall be punishable in like manner as if the same were a misdemeanor at common law.

"III. And be it further enacted, That when any legally qualified medical practitioner has attended upon any coroner's inquest, in obedience to any such order as aforesaid, by the coroner, the said practitioner shall, for such attendance at any inquest in Great Britain, be entitled to receive such remuneration or fee as is mentioned in the table marked [B] in the schedule hereunto annexed; and for any inquest held in Ireland, the same practitioner shall be paid in the manner provided for by the laws in force in that part of the United Kingdom. And the coroner is hereby required and commanded to make, according to the form marked [C] in the schedule hereunto annexed, his order for the payment of such remuneration or fee, when the inquest shall be held in Great Britain; and such order may be addressed and directed to the church wardens and overseers of the parish or place in which the death has happened; and such church wardens and overseers, or any one of them, is, and are hereby, required and commanded to pay the sum of money mentioned in such order of the coroner to the medical witness therein mentioned, out of the funds collected for the relief of the poor of the said place.

"IV. Provided, nevertheless, and be it further enacted, That no order of payment shall be given, or fee or remuneration paid, to any medical practitioner for the performance of any *post-mortem* examination which may be instituted without the previous direction of the coroner.

"V. Provided, also, and be it further enacted, That when any inquest shall be holden on the body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of patients thereof, or who has died in any county or other lunatic asylum, or in any public infirmary or other public medical institution, whether the same be supported by endowments or voluntary subscriptions: then and in

such cases nothing herein contained shall be construed to entitle the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid, to the fees or remuneration herein provided.

"VI. And be it further enacted, That where any order for the attendance of any medical practitioner as aforesaid shall have been personally served upon such practitioner, or where any such order, not personally served, shall have been received by any medical practitioner, in sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any medical practitioner, and in every case where any medical practitioner has not obeyed such order, he shall, for such neglect or disobedience, forfeit the sum of five pounds sterling, upon complaint thereof made by the coroner or any two of the jury before any two justices having jurisdiction in the parish or place where the inquest under which the order issued was held, or in the parish where such medical practitioner resides; and such two justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint; and if such medical practitioner shall not show to the said justices a good and sufficient cause for not having obeyed such order to enforce the said penalty, by distress and sale of the offender's goods, as they are empowered to proceed by any Act of Parliament, for any other penalty or forfeiture.

"VII. And be it enacted, That nothing in this Act contained shall extend to Scotland."

Of the various sections referred to in the schedule attached to the Act, A and C are, respectively, the forms of summons and the coroner's order for the payment of medical witnesses. B contains the table of fees allowed medical men for their testimony and service before the coroner and his jury.

"1. To every legally qualified medical practitioner, for attending to give evidence under the provisions of this Act, at any coroner's inquest whereat no *post-mortem* examination has been made by such practitioner, the fee or remuneration shall be one guinea.

"2. For the making of a *post-mortem* examination of the body of the deceased, either with or without an analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, the fee or remuneration shall be two guineas."

This law is still in force in England; but, owing to the many complaints made by the medical profession of the inadequacy of the

fee for performing a *post-mortem* and making a chemical analysis, a new Act was introduced in Parliament, in 1879, providing for several changes in the administration of coroner's law, and making such alterations in the fee list for medical men. This Act, which has not yet passed, but is still under discussion, tends more to consolidate than amend existing legislation. It provides that no one shall be eligible to the office of coroner except a barrister, a solicitor or a duly qualified medical practitioner. The coroner is to be paid by a fixed salary out of the local rates. He is to be removable, as heretofore, by the Lord Chancellor, in virtue of the sovereign's writ *de coronatore exonerando*, for inability or misbehaviour in office. Nor shall any coroner act as counsel or as solicitor in the prosecution or defence of a person for an offence of which such person is charged by an inquisition taken before him as coroner. Neither shall a medical coroner be permitted to hold an inquest on the body of a person attended professionally by him at or within a month before the death of that person. For medical men, the fees remain as at present:—for evidence only, one guinea; two guineas for a *post-mortem* and evidence without analysis; but for making an analysis and attending to give evidence thereon, ten guineas. For the last, however, the approval of the Home Secretary must be obtained. The resident medical officers of all hospitals, charitably administered as in the present Act, are allowed no fee whatever.

Bad as it was and still is in England, the position of medical men before the coroner is worse in this country, that official having the right to require the attendance of a medical man at his inquest, without any other remuneration for loss of time and trouble than the ordinary witness fee, which is, at most, rarely more than one or two dollars,—often much less, and, in olden times, the medical witness received nothing for being called away from his home and professional engagements. Nor was it until within the last few years that coroners have been enabled, by the legislative enactments of their different States, to compensate physicians for the making of *post-mortem* examinations; and even now, in many of our States, the sum allowed by law for making such an examination is ridiculously inadequate. In some places where the physician who makes the autopsies for the coroner is the permanent appointee of that official for the time of his stay in office, he is salaried, the amount of his salary being fixed either by Act of As-

sembly, by the county commissioners, or by the town or city councils.

The same diversity which exists between the English and continental judicial systems for the investigation of sudden or violent deaths, exists between the manner in which physicians for the making of *post-mortem* examinations are chosen in those countries.

In Germany the forensic physicians and surgeons, as they are there named, who conduct the examination of the body in the presence of a magistrate and his assistants, are appointed for life, or during good behaviour, by the Minister of Justice, there being usually two for each district. After their examination has terminated, copies of their proceedings—protocols as well as reports, and all the evidence elicited—are transmitted by the authorities not only to the judicial courts, but also to what are known as the technical courts, which consist, first, of the medical college of the province; then, in case the opinion of this board be from any cause brought in question, they are sent to the Royal Scientific Commission for its final decision. Before each of these tribunals the reports are carefully reviewed, and, if needs be, criticised, so that by the time the documents are returned to the investigating magistrate, he is fully informed of the value of all the medical evidence in the case in issue, and well prepared to decide whether the case shall go to trial or not, in which case the district physicians testify orally, and, if needs be, members of the provincial medical boards or the Royal Scientific Commission are summoned to testify as experts. This system, which is strictly followed throughout the German Empire, may be cumbrous and tedious, but it cannot be too highly commended, as it not only keeps the central courts constantly informed of the doings of their medical jurists, but affords to the latter much instruction, recognition or encouragement. The only drawback to it is, that while this vast machinery is in motion a man erroneously suspected or accused of crime may be languishing in the prisons of the State.

In France the choice of the physician rests with the magistrates, who usually call upon some medical man residing in the vicinity to make the *post mortem* examination, except in Paris and a few of the other large cities, where the autopsies are generally made by certain physicians appointed for that purpose by the courts, and who hold their positions for life, or during good behaviour. After the autopsy, should the report of these medical men not be satisfactory, the investigating official has the authority to call together

several physicians for the purpose of holding a medico-legal consultation, when, after they have been sworn, all the medical reports, and all the other evidence which is deemed of use to them, is placed at their disposition; and they are expected to make a lengthy report, strictly appreciating all facts at their just value, which report is sent to the magistrate who has called upon them for their opinion.

Italy and certain other European States pursue similar systems.

In England and the United States, forensic medicine seems to be in its infancy;—there are no fixed rules to guide coroners in the selection of physicians for the making of such *post-mortem* examinations as may be necessary. They generally appoint whom they please, or, in country districts, call upon the nearest medical practitioner for his services. The faultiness of such a system scarcely needs pointing out; it is not every medical man who possesses the requisite ability or acquirements necessary to conduct a medico-legal examination. He who in the sick room may be a skilful diagnostician, therapeutist or brilliant operator, is, unless he has had previous experience, very likely to be nonplussed when he confronts the cadaver, if called upon to make an autopsy after a death resulting from real or suspected violence;—not, possibly, from any lack of ability, but because he may never have given a thought to what has seemed to him, comparatively, the unimportant science of forensic medicine, it being rarely taught at our medical schools, except in a perfunctory didactic manner, when it is, *par excellence*, a branch of science which can only be learned practically. Therefore, we do not hesitate to say that the average medical practitioner, in this country as in England, is entirely unfitted for such an important duty as the performance of an autopsy, in a case likely to involve the niceties of judicial medicine and lead to subsequent criminal procedure. What does he know about the *docimasia pulmonalis*, the phenomena of putrescence, death by suffocation or drowning? And we are sure that all coroners seeing these remarks will feel their justice, and the necessity, while the appointing of their physicians remains in their hands, of as much as possible employing the same medical men, in order, by so doing, to benefit from any previous experience they may have enjoyed. Not that we would hold up personal experience alone, in opposition to knowledge derived from books,—for individual experience, as compared with the accumulated literature of ages, is but as a grain of sand in the desert; but personal experi-

ence, with extensive reading and study, go hand-in hand, and, other things being equal, preference should be given to him who has had experience.

The day, however, we feel convinced, is not far off when forensic medicine will be taught in a proper manner at all our medical colleges, and a proper plan adopted for the selection in each State, of a number of well trained and properly qualified medical men, who, appointed for life, will have sufficient inducement offered them by their respective States to make judicial medicine a special study throughout their lifetime, and who, selected by the proper authorities, will be irremovable except for cause, and not owe their positions to political reasons or personal caprice. Of course, for such a change of affairs, time is requisite, as such a body of thoroughly competent medical men cannot be called into existence by an Act of Assembly, like a fire-company or military organization.

The physician who would undertake the examination of a dead body on behalf of a coroner, should be extensively read in all the branches of his profession, and also possess a thorough acquaintance with the annals of forensic medicine; for many and various are the questions which are liable to arise *in foro*, and he may not only be required to testify as to the autopsy which he has made, but may also be called upon to give his opinions as an expert upon other matters connected with the case in its medico-legal aspects. To do justice to his profession, a good knowledge of the anatomy of the human frame—of its physiology and pathology—are necessary. He must likewise be expert in the use of the knife, and understand the use of the microscope. Toxicology has become a special and almost separate science, in most cases the making of an analysis for the discovery of poison is entrusted to an educated chemists. The physician will hardly require more knowledge of that branch of science than a thorough acquaintance with the *post-mortem* appearances left by poisons.

Upon receiving an order from a coroner to make a *post-mortem* examination, a medical man should approach his duties with a mind entirely unbiased, and not suffer himself to share in the slightest degree the popular prejudices so often erroneously excited against those accused of a crime. Neither should he theorize on or express any opinion as to the cause of death until after the termination of the autopsy, nor should the result of his examination ever be made public until the hearing before the jury at the inquest,

and then only after mature deliberation; for the medical witness must remember that upon every word which he utters may hang, perhaps, the happiness and, possibly, the life of a fellow-being. Besides which, should the coroner's investigation result in a committal, copies of his evidence as given at the inquest will go to the district attorney and to the counsel for the defense, when the case comes up for trial. All these facts, therefore, should cause him to weigh well his words and to be wary in his statements;—that when on the witness-stand in court he may not be obliged to retract or qualify any statement he may have made before the coroner and his jury.

While in the performance of his duty, or when brought in contact with the friends or relatives of the deceased person, or when within the hallowed precincts of the house of sorrow, the coroner's physician should be courteous in demeanor, but firm withal; for when sent alone to make an examination for the coroner, he is entitled to as much deference and respect as that official. And should he meet with any opposition while acting in the line of his duty, he should act promptly and energetically to enforce obedience to the law and its requirements, which he is bound to obey, even at the peril of his own life. Unless accompanied by the coroner or his deputy, he ought always, when directed to make a *post-mortem*, obtain a written order to that effect, so as to be able to prove subsequently, if necessary, the authority by which he has acted.

The medical man who is subpœnaed by a court, magistrate or coroner should always obey the summons, whether acquainted with the facts of the case concerning which he is to testify or whether ignorant of the cause for which he is sent for; otherwise he places himself in contempt of court and is liable to be punished by fine or imprisonment. Physicians too often seem to think that their professional character will shield them from the consequences of their disregard of legal summonses. Without doubt it is very disagreeable to be obliged, at short notice, to go and spend useless hours of waiting in the close and badly ventilated halls where justice is administered,—all this, frequently, at great sacrifice of time and money. But they should bear in mind that in the eyes of the law they are nothing more than ordinary citizens, who may be summoned by due process of law to appear and render personal service in court, without any right on their part to claim special compensation for so doing. The only excuse which a medical man may put forward for

non-appearance in court when properly subpœnaed is the *vis major*, which must, however, be of rare occurrence. If summoned to appear in a civil and a criminal court at the same hour and on the same day, it is advisable for him to obey the summons of the criminal court, and to notify the civil court of his inability to appear.

As a witness in our courts of law a medical man may be called upon to perform two separate duties. He may have to *state* facts, or to *interpret* them; in other words, he may be, in the language of the law, called upon to appear as a *common* witness, or as a *skilled* or *expert* witness. In some cases he is one of these; in the majority of cases he is both. As a *common* witness, his duty, like that of any ordinary witness, will be to state facts—as in testifying to the results of a *post-mortem* examination made by himself. As a *skilled* or *expert* witness, he may be called upon for his opinion as to the bearing and value of facts which have been observed by others or by himself. As a *common* witness, the physician is entitled to nothing more than an ordinary witness fee; as an *expert* or *skilled* witness, he can claim extra compensation. His skill and professional experience are the result of years of study and toil, and are his capital—his property,—which he cannot be compelled to give unless properly compensated. The public has not, any more than a private individual, the right to demand services from a physician in the line of his profession without remunerating him. And the medical man who is called upon in court for his opinion is under no obligation to give it unless satisfactory arrangements for his remuneration have been made; he can neither be imprisoned nor committed for contempt for refusing to give an opinion. But having given his opinion, it becomes one of the facts in evidence, and counsel may use it as they please, without any further compensation to him; nor can he claim any remuneration after having uttered it. Therefore, all medical men, previous to going on the witness-stand as experts, will do well to have the question of their honorarium arranged beforehand.

While, according to high legal authority, "the general rule is, that a witness must not be examined as to his opinion, for his testimony must be confined to evidence of facts. But in questions of skill and judgment, men of science or experience are allowed to give evidence of their opinion." And again, according to another authority: "In criminal cases, the opinions of medical men are very frequently employed as evidence. A physician who has

not seen the patient may, after hearing the evidence of others, be called to prove, on his oath, the general effect of the disease described by him and its probable consequences in the particular case. So in prosecutions for murder, medical men have constantly been allowed to state their opinions, whether the wounds described by witnesses were likely to be the causes of death." In fact, the expert system here is somewhat similar in its method to those of Germany and other European countries, where the written reports of the medical practitioners who made the first examination, with the other medical testimony in the case to a board or commission of medical men, who, after reviewing the conclusion drawn up by the first mentioned gentlemen, either approve or disapprove of them. Unfortunately, while in those countries the proceedings of the medical courts of revision, as they are sometimes called, are transacted in writing, with ample time at their disposal, and their members appointed and remunerated by the government, here no such provisions prevail. In our courts, as a rule, there seems to be a great deal of misunderstanding as to what an expert is. According to Bouvier, "the term *expert* is applicable to all persons who are instructed by experience," which, of course, restricts the definition to no particular class, but includes all who are specially instructed or experienced in any art or science whatever. In the ancient Roman law, they are often spoken of; but as now used, the whole system of experts is a comparatively modern experiment, growing out of the wonderful growth and increase of science in modern days. It was formerly meant that an *expert* should be a *skilled* or thoroughly informed person upon the subject concerning which his testimony is needed; but this is a point which our courts seem usually to forget; for it is rare that any supervision is exercised by them over an expert's qualifications. As a general rule, for instance, any practicing physician is considered competent to express an opinion as an expert on a medical question. Indeed, in one case, it was held by the court, that in order to become a competent skilled medical witness, it was not necessary that a man should be a graduate of a medical college, or have a license from any medical board,* which decision was simply paramount to admitting any one to testify as a medical expert who might choose to assume that character. As matters now stand, any one accused of crime has it in his power to get up or manufacture whatever evi-

* N. Orleans, &c., Co. *v.* Allbritton, 38 Miss., 242.

dence he pleases, with the right of summoning as an expert whomsoever he plea. es, and the alleged expert's opinions will be accepted as evidence in our courts of justice—no matter how flagrantly they may clash with all the principles of medical science; for *medical opinions* given in a court of justice are *evidence*. Counsel are rarely so forgetful as not to take all the advantage which this latitude of the law allows them. The medical man whose opinion as an expert is desired, is engaged by either the defense or the prosecution, hurriedly made acquainted with but one aspect of the case—usually that most favorable to the side retaining him—and expected, as a rule, to give opinions diametrically opposed to that of the medical witness on the opposing side. Indeed, the mere fact of being summoned by a person whose life is in jeopardy, is very prone to lead a witness to testify in that person's favor; and in the existing state of medical science, there are, unfortunately, few questions which cannot be answered in two ways, each, of course, according to the best of the witness's experience and judgment, as also in accordance with the secret hopes or avowed wishes of those who have called him to the witness-stand. Even at the worst, it is rarely difficult for a skilful lawyer not to obtain from the expert he has placed upon the stand sufficient admissions to neutralize the testimony of the other side, no matter how weighty or how positive that testimony may have been. What wonder is it, then, that, within the past few years, expert testimony has become the laughing-stock of the community, the butt of ridicule of the press, and held as of little value by both bench and bar. And for this state of affairs the medical profession receives the whole blame, while those whose duty it is to select and scrutinize the qualifications of those who are called upon to take the witness-stand as experts, escape the censure which should be laid upon them. We may be sure, however, that such a condition of affairs will continue to be so until appropriate legislation shall have remedied the evils of the present system, and wiped out what is a blot upon the hitherto untarnished reputations of the legal and medical fraternities. For just so long as medical men are admitted to the witness-stand as experts, regardless of their qualifications and rights to be considered as such, just so long will their absurd contradictions and rivalries of opinion, upon subjects where there should be no such differences, remain as subjects of scandal and merriment to the legal profession and public at large. And those whose duty it is to call upon experts for

their services, should remember, that in these days of specialties each member of the medical profession is apt to regard his professional brother with distrust. The skilful diagnostician and therapeutist not unfrequently looks down upon the occasionally rough handiwork of his fellow-craftsman, the surgeon; the anatomist is frequently tempted to smile at the labors of the toxicologist, who, perhaps, cares little for any other division of his profession; while the physiologist may have a poor opinion of the experimenter in therapeutics. The opthalmologist is very liable to refer all the symptoms of disease which he may meet with to some eye trouble; while the gyneacologist blames the uterus; and so on *ad infinitum*. So that when an expert is to be called, it should be borne in mind that the science of medicine has grown so vast and been divided and subdivided into so many branches of special study, that its complete mastery is almost an impossibility; and each separate medical question requiring the opinion of an expert in order to be properly answered, may require the opinion of a different expert; for no man can be thoroughly expert on a subject unless he has made that subject the object of special study.

However, until the existing system shall have been swept away or amended, we offer to those likely to be placed in the unsatisfactory position of an expert, some little advice. In drawing inferences from facts, there are certain precautions which the medical witness ought to observe. He should be impartially indifferent to the merits of the case, whether he be called upon by the prosecution or the defense; the guilt or innocence of an accused party should have no interest for him. He should refuse to appear for either side until, having heard all the facts upon which his opinions are to be given, he is satisfied that he can conscientiously testify in behalf of the party retaining him. In this country, the expert, unless permitted by the court to do otherwise, must form his opinion solely on the medical evidence, and not from any other evidence in the case. After what we have already said, it is almost needless to repeat here, that no medical man should venture to testify on any branch of medical science with which he is not well acquainted. For example, a surgeon of great experience, whose evidence concerning a fracture and its proper mode of treatment, would be of the highest value, might find himself out of his depth in a question involving the detection of blood stains, or the *docimasia pulmonalis;* while the toxicologist might be sadly embarrassed if called

upon to testify concerning the signs of death by drowning, or the marks of the cord in death by strangulation; and the anatomist might find himself equally perplexed if he ventured into the intricate mazes of chemistry and toxicology. Again, in questions concerning gunshot wounds, sportsmen and gunsmiths are frequently better able to answer inquiries as to the merits of different weapons, the requisite charges of powder, and the laws governing the trajectory of projectiles, than the average medical man. Nor can a practitioner of medicine hardly be expected to state whether the force sufficient to shatter an earthenware pitcher would not be sufficient to fracture the human skull, unless he has spent some time in a porcelain factory. We also urge that medical witnesses called by opposing parties should, whenever practicable, meet before the trial, to calmly discuss the facts of the case, and agree, if possible, upon the opinions which they are about to express, and so avoid, if possible, those discrepancies in their different statements which often cast so much discredit upon medical evidence. Previous to going on the witness-stand, the medical expert should refresh his memory with all the literature of the case, in its medico-legal aspects; authorities are deemed of great value in law, and they are of no less importance in medicine. To be of real use, however, they must be quoted accurately, which can only be done by referring to their pages, to do which, the permission of the court must be obtained. By carrying out the foregoing instructions, and expressing his opinion simply, according to the facts of the case as presented to him,—by making up his mind as to the conclusions he has drawn before he goes on the stand, and carefully avoiding all bias, either for or against an accused party,—a medical witness testifying as an expert may possibly escape the pitfalls and snares often treacherously laid for him by the crafty counsel of the opposing side.

The medical witness should always be punctual in his attendance at court, and when on the witness-stand his manner should be calm and dignified, without unnatural constraint. He should give his evidence in a clear and audible tone of voice, so as to be distinctly heard by all interested—giving his whole attention to the subject, answering all questions clearly and briefly, without circumlocution, and avoiding the use of all technical terms; for, well read as the members of the bar in this country undoubtedly are, it cannot be expected that they should have a knowledge of the meaning of such

expressions as are only in use among medical men. As a rule, such terms as "ecchymosis," "epigastric region," "dyspnœa," "dyspha gia," "abdominal parietes," "thoracic cavity," have little or no significance to a non-professional audience. The plainest and simplest language is the best, and all metaphors should be avoided—and likewise the expression of any opinion upon legal matters—or the medical witness will possibly find himself sharply reprimanded by the judge. This is an error, unfortunately, common to many of our professional brethren when *in foro.* Neither should the medical witness ever allow himself to lose his temper or self-control while on the witness-stand, however severe the examination or cross-examination may be. Coolness, self-possession and imperturbability of demeanor will frequently do more to baffle the most browbeating, bullying lawyer, than any irritation of manner or attempts at repartee, where the legal practitioner, with the sympathies, if not the support of the court, will be finally more than sure to have things all his own way. A witness is bound to answer all questions that may be put to him, unless the answer be such as would criminate himself. He may appeal to the court for advice as to whether a que tion need be answered or not; but he ought as much as possible to avoid appealing to the judge for protection from the onslaughts of counsel, and not consider their remarks as personal evidences of ill-feeling towards him. It should be borne in mind that they are paid for their efforts, and that it is their right and duty to use every means at their command to defend their clients. In the States of Arkansas, California, Indiana, Michigan, Iowa, Missouri, Minnesota, New York and Wisconsin the confidential communications of a patient to his physician are—as should be the law in all the States—considered by the statutes as privileged and sacred communications, which the physician is either positively forbidden or not obliged to disclose. In order, however, to be protected against disclosure, a patient's confidence must relate exclusively to such matters as are indispensable to his medical treatment. No evidence should be voluntarily offered, but a plain straightforward statement of the whole facts of the case should be made, and nothing concealed. In fact, never volunteer an opinion on the merits of a case unless asked for it. Do not quote, without permission, any authorities; and also, as that eminent man, the late Dr. Taylor, very truly remarks, "verify all assumed quotations before assenting to or dissenting from them," as counsel

may, accidentally or intentionally, misquote, and thus misrepresent their authority. Never attempt to answer a question not clearly put or fully understood; and should a question be put to the medical witness involving a subject of which he has no knowledge, far better will it be for him to quietly acknowledge his inability to reply correctly, even at the risk of appearing ignorant, than to attempt to conceal his lack of learning under commonplace terms or cant expressions. Few men are so skilled in detecting ignorance in a medical witness as members of the legal profession, and the witness who seeks to get out of the mire by assuming to possess that which is not really his, will infallibly end by having the mantle of deceit torn from his shoulders and his pitiable pretensions ruthlessly exposed and held up to the ridicule of the court as well as to the community at large.

Contrary to the practice of the British courts, ours do not object to medical men testifying from notes made on the spot or soon after the occurrence to which they refer. Nor is there any reason why they should not be permitted to do so;—the practice of the English courts in this matter seems to be based more upon custom than upon any valid reason. In reality it would be too much to expect that any physician could keep fixed in his mind the full particulars of each case, especially were he much occupied with medico-legal work. Therefore, when observing any facts which may at any future time become the subject of legal inquiry, no medical man should trust to his memory, but should instead commit all the particulars of the case to writing, either at the time of the examination or as soon as possible after the occurrence of the transaction to which they relate. Though it is not necessary that these notes should be in his handwriting, they should be written under his own dictation and supervision; and while a copy of them in the witnesses' own handwriting may be used in court, the original notes must be carefully preserved, as they may be called for by the counsel on either side, and inability to produce them might possibly invalidate the right of the witness to use his copy of them. They ought to be full and complete, clearly expressed and legibly written; all appearances or occurrences, no matter how trivial they may seem at the time of the examination, should be carefully noted down, as at the trial circumstances may be developed which may render them of paramount importance. Though in this country written and reasoned reports are not demanded of a medical witness, he will find it of

great value to himself if, previous to the trial, he draws up such a report, as thereby his evidence will gain much in lucidity and clearness of expression.

When directed by the coroner to make an autopsy, the physician will either be obliged to make the *post-mortem* examination at the deceased person's residence or at the morgue or town mortuary, or sometimes at the dead-house of a hospital;—either of the last two localities are to be preferred to the former on account of the facilities which they offer. It is much to be regretted that in all our populous centres ordinances have not been passed requiring all autopsies in the building provided for that purpose by the town or city authorities. For, as the matter at present stands, the coroner in this country is powerless to have bodies removed to the morgue should the family or friends of the deceased object, save in certain exceptional cases,—not only on account of the unhygienic influences of such an operation in a private dwelling, but also because of the facilities required for making a *post-mortem* as thoroughly as possible, it being rarely possible to make an autopsy properly in a private house. The morgue—or the locality set apart by the proper authorities for the reception of the dead—should have several apartments, well ventilated, with an abundance of light, together with good drainage, and hot and cold water arrangements, with all the necessary instruments for making the autopsy, together with scales for weighing bodies, measuring glasses, a microscope with the proper reagents, and a good magnifying glass, etc.

As a general rule, it is stated in most books on forensic medicine, and especially by foreign authors, that an autopsy should not be performed upon a body until at least twenty-four hours after death, for fear that the individual so operated upon might be still living and merely in a trance. As in the case of the woman dissected by Vesalius, and the unfortunate Abbé Prévost, the author of "Manon Lescaut," whose apparently lifeless body, found in the forest of Chantilly, was opened by an ignorant surgeon, and who only returned to life to die some hours later in horrible agony. But such errors have, we believe, never occurred in this country, or, if made, have been of rare occurrence. And while in winter-time or in suitable weather there can be no objection to delaying the making of the *post-mortem* until twenty-four hours, or even a longer time after death, here in the United States, during the summer months, and the almost tropical temperature which then pre-

vails, with every condition favorable to the rapid development of putrefaction, in our own experience we have found it generally advisable to perform the autopsy within twelve hours after death, and in cases of violence—where no doubts as to the reality of death could exist—as soon as possible; for by so doing we were enabled to note the conditions of the lesions and different organs almost as in life, unaltered by any cadaveric changes. It is, however, needless to say that no autopsy should be made unless the body present positive signs of death, and in cases where the slightest doubt exists the opening of the body should be postponed.

Occasionally there has been much discussion as to what really constituted a *post-mortem* examination in law. Whether it was necessary for the examiner to always open the body, or whether a simple external examination of the body was sufficient; and at times physicians, from the raising of this question, have been in danger of losing the remuneration allowed them for such an examination. The difficulty, it seems to us, is liable to arise only in those States where the legislation on the subject does not recognize and provide for the distinctions likely to be drawn between what may be termed *post-mortem* inspections and *post-mortem* examinations—and, unfortunately, such a distinction has been rarely made by our legislators. To us they seem puerile and uncalled for. In many cases—such as railroad accidents, boiler explosions or other great catastrophes—where a medical examination may be deemed necessary in order to determine the cause of death, it is obvious that a thorough external examination or inspection of the remains will suffice.

Still, in all cases of sudden death, where the cause is not at once apparent, saving certain rare exceptions, it will usually be found prudent to open the body; for it should never be forgotten that with certain parts of the human frame with large and blunt extremities—such as the knee, heel or fist—it is sometimes possible to produce serious internal lesions, without having any external appearances such as would be found associated with such lesions inflicted by ordinary means. While, if the remains are inspected shortly after death, they should, *a fortiori*, be opened, or at least again seen at a later period; the mere external examination of a recently deceased person being apt to lead the physician into serious errors, as any deep extravasations of blood which may exist in the tissues may not have had time to make their appearance through

imbibition upon the surface of the skin, so that cases of violence might be easily overlooked.

To refuse to undertake a *post-mortem* examination on account of the remains being in an advanced state of decomposition, is, in our opinion, wrong, as much information can always be obtained from such an examination, which may occasionally be of great value to the interests of justice. No autopsy made for judicial purposes should ever be made by artificial light, unless under imperative circumstances, as thereby the appearances of the different organs and tissues are entirely changed. Whenever obliged to do so, the physician should always mention the fact in his notes.

Previous to making his examination the physician should have the body of the deceased identified,—that is, pointed to him as being the body of so-and-so—by at least two persons, who must have been acquainted with the deceased during his lifetime. Unless this precaution is taken the case will be likely to fall through, or much trouble be caused to the prosecution at the trial, should the counsel for the defense require it to be positively proved that the body upon which the autopsy was made was that of the person of whose death his client is accused of being the cause. Usually, in homicide trials, as soon as the examination of the physician is terminated, one of the parties who identified the remains is called to the witness-stand and asked whether on a certain date he was present at the *post-mortem* and pointed out the body of the deceased to the physician who made that examination. When the body to be examined is that of an unknown person, a minutely accurate description of it should be taken, special note being made of the color of the hair, beard and eyes, together with all marks which might possibly lead to the future identification of the remains, such as scars of old wounds, tattoo-marks and moles; and the body should be identified to the physician as the one found by them by the persons who found it. Here it is that the advisability of having the remains photographed should be called to the attention of the coroner. In cases of infanticide all rags or other articles found wrapt around the remains of the child should be carefully preserved, for by these effects it has often been possible to identify and bring the guilt home to the criminal.

While performing the autopsy, the physician should have entire control over the room or locality where it is being done, unless the coroner be present, and he should allow none but those whose pres-

ence is absolutely necessary to remain in the apartment. After the body has been duly identified, the parties who identified it should be requested to retire; and to permit members of the family or friends to be present, save under exceptional circumstances, is unwise. Neither should members of the public press be allowed to be present or permitted to publish in the columns of their papers sensational accounts, which to the general public are always disagreeable. Counsel for the accused, with their medical experts, should be accorded at all times the right to be present, but neither the friends nor the family of the accused person can claim the right to witness the autopsy.

If obliged to make the autopsy in a private dwelling, the physician should, if possible, be accompanied by an assistant, and one or two other persons, to aid in handling the body. When a proper table cannot be procured, the bottom of an ordinary ice-box, placed upon trestles or chairs, will be found to answer nearly all purposes. To make a *post-mortem*, certain instruments are necessary, but we confess that we see no necessity why the coroner's physician should burden himself with all the paraphernalia usually described in the books on forensic medicine, such as measuring glasses, glass jars, reagents, disinfectants, bran or saw dust, and even a microscope. The inconveniences of traveling with such an arsenal are at once apparent, and to carry all these things, unless aware that they will positively be required, seems to us useless. Of course, in all examinations in cases of suspected poisoning, a supply of clean glass jars will be necessary; but for purposes of microscopic examination, pieces of the organs or portions of the fluids which it is desired to examine can easily be taken home and examined at leisure; so that, for the majority of cases, a set of instruments as contained in the ordinary *post-mortem* case will usually be found sufficient. Undoubtedly, many excellent instrument cases are in daily use; but, while admirable for use in the dead-house, they are, owing to their size and weight, too cumbersome to be carried around by the physician, and our own experience has led us to prefer for daily work a case manufactured by J. H. Gemrig, of this city. This case, made of polished wood, with brass mountings, measures thirteen inches and five-eighths in length by four and a quarter inches in breadth and two and a half inches in depth. It contains on a tray,—one steel hammer with hooked handle, an enterotome, a pair of scissors, four scalpels of various sizes, one of

which is very heavy for the severing of cartilaginous structures. In the lower compartment there is a brain knife, a saw, a chisel, two pairs of forceps and one bone forcep. To these instruments we have added a tape measure, a grooved director, several curved and straight needles of assorted sizes, a brass blow-pipe, a couple of small probes and a sufficient quantity of twine. And we have found the above armamentarium amply sufficient for all practical purposes; in fact, we have yet to meet with the autopsy where it would have been necessary to have used more instruments.

When making an autopsy for medico-legal purposes, the physician should always keep in mind that as he is, in all probability, enjoying the only opportunity he is likely to have of examining the body, he should aim to make his examination thorough and complete, in order to obtain all the information possible. To do this properly, he will find it advisable to adopt some one mode of procedure, and to follow it constantly, except in extraordinary circumstances. The best way is to begin the examination at the head, as a general rule, and to open the trunk subsequently, as opening or otherwise deranging the blood-vessels of the thorax is likely to alter the appearances of the vessels of the brain.

Usually, in town or city districts, before the body is seen by the coroner or his physician, it has already been disturbed from its original position when found by the police or other authorities, being possibly already removed home or to the dead-house and stripped. The inconveniences and dangers of such a condition of affairs are at once apparent, as when the body or its surroundings have been disturbed before the arrival of those whose duty it is to investigate the case—should it be one of suspected crime—by persons incompetent to draw inferences from the position of the body and its surroundings, many important appearances or clues which would have been at once apparent to a trained observer may, from their evanescent nature, be irretrievably lost, and great difficulties placed in the way of the proper elucidation of the points at issue. For this reason the coroner should always make the necessary arrangements with the police or municipal authorities, so that in cases of murder or death from suspected violence, they will avoid deranging anything, and content themselves with simply protecting the premises until his arrival, or that of one of his assistants, which should, however, be as soon as possible. And when such shall have been the case, it is the duty of the coroner, or his medi-

cal substitute, to make a thorough examination of the premises or locality where he first sees the body, mentioning in his notes everything that may seem to him of importance,—such as the position of the body with reference to the furniture or surrounding objects, apparent traces of a struggle or prolonged agony, presence of vomited matters or blood-stains on the ground, description of any weapon or weapons found, with their condition. Then—and only after all this has been done—is it proper for him to proceed to the examination of the remains. To do this correctly—having had the body identified—first take the exact length of the cadaver from the crown of the head to the sole of the heel. Ascertain, also, its age, and the date and hour of death, from some member of the family; otherwise the age and probable time which has elapsed since death must be estimated from the appearances of the body. Note the presence or absence of *rigor mortis*, and, if the necessary appliances are at hand, weigh it. A complete and careful examination of the body must then be made, examining first the head, then the trunk, and lastly the limbs—especially the hands—for the signs of any recent struggle or other signs of violence. The condition of the natural apertures of the body—eyes, ears, nose, mouth, anus; the position of the tongue, condition of the teeth and genital organs should all be looked at, and any signs of disease, violence or the presence of any foreign bodies in the natural outlets should be noticed. The exact position with regard to some point of the body, length, width, depth and appearences of any wound or other injury, should be accurately described. The internal examination should then be begun at the head, which, contrary to the rules laid down in the older treatises on forensic medicine, we consider unnecessary to have, except, however, when peculiar circumstances would seem to render such a proceeding necessary. In fact, throughout the whole examination, the examiner must remember the strong prejudice existing in the minds of people in this country against any disturbance or mutilation of the body after death; and in the absence of any legislation defining positively how a *post-mortem* examination is to be made, he should use every effort, when not incompatible with the proper performance of his duties and the attainment of the end in view, to avoid unnecessarily disfiguring the cadaver.

The head may be best examined by making an incision across the top of the cranium, from ear to ear, the scalp being then

reflected anteriorly and posteriorly. These parts and the surface of the skull having been examined, the calvarium is to be removed by a circular cut with the saw. The portion of the skull removed, with the external and internal condition of the meninges, should be examined, after which the brain should be carefully removed from the cranial cavity, and the base of the skull examined for any abnormal contents, effusions of serum, blood or for any fracture. The tissues of the brain should be examined, as likewise its veins and arteries, whether injected or otherwise. Then the appearance of the brain itself; its condition; whether hardened or softened; the presence or absence of clots on its surface or in its structure; the size and contents of the ventricles; the state of the different ganglia and nerve centres; the *corpora quadrigemina*, *thalami optici*, *pons varolii*, *cerebellum* and the *medulla-oblongata* must also be considered, and notes made of everything of importance.

The neck—which is to be opened by means of an incision from the chin to the sternum—will next claim the examiner's attention.

The different parts should all be dissected out, attention being directed to the condition of the different glands, the larynx, trachea, œsophagus, large blood vessels and nerves.

A free incision, carried from the sternum to the pubis, passing to the left side of the umbilicus, so as to avoid injuring the *ligamentum teres*, will open the trunk, care being taken not to injure the abdominal viscera. Notice is to be taken whether any gas escapes from or whether there be any fluid lying free in the peritoneal cavity. The position of the diaphragm with reference to the ribs is to be ascertained by examining it with the hand, and the color, position and appearance of the organs, with any abnormalities, is to be noticed.

To open the thorax, dissect back the soft part of the chest, beyond the attachments of the costal cartilages, and dividing the cartilages with a heavy knife, with due care to avoid injuring the lungs or the heart. Raise the sternum upwards, and, forcing it backwards, sever its attachments to the diaphragm, cutting through the mediastinum, being careful not to injure the pericardium or any of the larger vessels. Finally, remove the sternum, by disarticulating it from the sterno-clavicular articulation, or break it on a level with the first rib. The pleural cavities a e then to be examined, and the absence or presence of any effusion noticed, together

with the general appearance presented by the lungs and large blood vessels. Then the pericardium is to be carefully opened, and its condition, with the state of the heart, inquired into. The size of the latter, its consistence and color, and the amount of blood contained in its coronary vessels, its auricles and ventricles, which are to be opened while the heart is *in situ*, are all matters for investigation, each cavity being opened separately, and its condition as to the size of the valves, their texture, and the presence in the different cavities of *ante* or *post-mortem* clots. After removing the heart by severing the large vessels, the arterial valves are to be tested by pouring in water, and then by laying the auricles and ventricles entirely open. The lungs may then be carefully removed and their condition, internally, ascertained, by laying them open from apex to base, by large, free incisions. The condition of the pulmonary vessels are to be examined into by dividing them with the scissors, and tracing them out to their lesser ramifications.

In examining the abdomen, first the condition of the omentum, as to the presence or absence of fat, is to be examined; the spleen, its size, structure and the amount of blood it contains, forms the next object of inquiry; the stomach and duodenum, with their appearance and contents, come next, in company with the ductus communis choledochus; and care should be exercised lest any of the contents of these viscera fall into the peritoneal cavity. The stomach had best always be removed, both ends having been previously ligated and opened in a clean basin, the incision being made along the greater curvature; the duodenum should be similarly treated, the line of incision being on its anterior surface. Next follows the liver, it being examined in regard to its external appearances, the condition of its parenchyma, ligaments, excretory ducts and inner structure;—with it the gall-bladder may be examined. To remove the kidneys, make each incision through the peritoneal fascia externally to the ascending and descending portions of the colon. The seorgans are to be examined externally and internally, as also the suprarenal capsules. The pelvic organs are next in order. First, the bladder should be examined with the ureters; then the genital organs, and, finally, the intestines—both large and small—being first ligated and removed from the abdomen, the mesentery being divided for that purpose close to the intestine. Then the contents of each organ are to be estimated, and the in-

testine having been well cleaned, is to be laid open, the line of incision being made along the attachment of the mesentery when attention is to be directed to the condition of the valvular conniventes peyerian patches and solitary glands, together with the condition of the rectum, after which the condition of the large blood vessels is to be inspected.

The vertebral column is, as a rule, rarely opened, unless it be involved in the injury causing death, or in cases where the cause of death is not apparent from the examination of the other cavities. But when there is the slightest possibility of a doubt being raised as to the positive cause of death, the whole length of the spinal column should be laid bare, and no precaution neglected to place it out of the power of counsel to raise any objection or quibble as to the completeness of the examination or cause of death. To do it a straight incision is to be made directly over the spinous processes, and the muscles dissected off from each side of the arches of the vertebræ, which are then severed with a saw, carefully detached and the cord exposed. The general condition of the membranes and the presence of any extravasations of blood, or fractures of the vertebræ, are to be looked after. Finally, the cord may be removed by dividing the roots of the nerves, taking pains neither to distort nor press it. Then its condition, presence or absence of effusion into its membranes or substance, or the existence of injuries or lacerations, is to be ascertained.

Having terminated his inspection before closing the body, the examiner should read over his notes to make sure that he has forgotten nothing, and, if possible, have them concurred in and signed by the other medical men present, which will tend to prevent any snare being sprung upon him at the trial by the representatives of the accused, should they have been present; and the examiner should make up his mind positively as to the cause of death. After which the various organs are to be replaced in the body, all the cavities closed and securely sewn up. The physician may remove and retain any portion of the body or its organs for the purposes of minute examination or to their production in court as evidence. The specimens which he may select should be properly labelled, placed in jars with alcohol or some other preservative fluid, and then sealed up in the presence of one or two witnesses, with his and their own seals.

According as the case may have been one of sudden death from

natural causes, or death from any violence—such as strangulation, drowning, incised, contused, lacerated or gunshot wounds, or death from poison, the points which will attract the examiner's attention will be many and varied.

Cases of sudden death from apparently natural causes, connected with no suspicious circumstances, will rarely demand more than his ascertaining the cause of death and the absence of any evidences of violence or foul play.

But in death resulting from strangulation, for instance, the case is otherwise. It will be necessary for him to examine any rope or ligature found around the neck or near the body, as to its length and strength. The neck itself must be examined for any sign of violence, such as finger-marks or any other means of strangulation. The internal condition of the neck, larynx, cervical vertebræ and thorax will also claim careful examination.

In death from drowning, the examiner must ascertain whether death has resulted from drowning, and the length of time the body has been in the water.

In other cases of death from injuries it will be necessary for him to determine the nature and the extent of the wound; whether it be incised, contused, lacerated, punctured or otherwise; also its size, length, breadth, depth and direction. And in cases where there are several wounds, he must decide which of them is mortal and caused death; whether the injuries are accidental or whether they are such as could or would only have been inflicted by an assassin, or, finally, whether they are self-inflicted.

The examiner must remember that in cases of poisoning it must not only be proved that death was the result of poison, but also that death did not result from natural causes. The bottles or jars containing the substances intended for chemical analysis should never be lost sight of or intrusted to the care of a third party. The jars should be carefully sealed, and each jar labelled with the name of its contents. When left or put away for safe keeping they should always be kept under lock and key. When handed to another person for analysis, always take a receipt for them. Too much stress cannot be laid upon the great care which is necessary in these cases. The viscera and their contents should never be placed in or opened in a jar or vessel that is not absolutely clean, and to have clean jars it will always be found best to use only new ones. The avoidance of having the vessels containing

the viscera destined for analysis pass through many hands before they reach the chemist, is highly important, as is also the advisability of not allowing strangers or others to approach them during the examination. For illustration of these dangers, we refer our readers to the case quoted by the late Dr. Taylor, in his admirable work, and also to the fact developed during the trial of William Palmer, in England, many years ago, that while the viscera of the poisoned individual were being transmitted to London for analysis, an attempt was made by Palmer to bribe the mail-carrier to break or overturn the jars, and an effort was also made to induce the postmaster to allow them to be tampered with. The examiner will, therefore, we think, find it always best to retain possession of all articles intended for analysis, and hand them in person to the chemist selected by the coroner or magistrate.

It should not be imagined that to conduct a *post mortem* in the manner which we have described will require much time. From an hour and a half to two or three hours are usually to be found amply sufficient to dispose of the most complicated case; but the physician should never hurry through his work or sacrifice details in order to save time.

Exhumations.

Besides the ordinary *post-mortems* which he may be called upon to make, the physician will occasionally be required to examine a body that may have laid some time in the earth. If the autopsy is instituted for the purpose of detecting the presence of poison, the physician must make every effort to secure the attendance of the chemist who is to be intrusted with the analysis, and who should come provided with the necessary apparatus and jars for the reception of the different viscera, which should be placed in separate jars, properly sealed and labelled,—to add any disinfectant or preservative fluid is to run the risk of impairing the accuracy of the analysis, and, possibly, prevent it from being received as evidence. While the dangers of the exhumation of cadavers have doubtless at times been needlessly exaggerated, and also at times carelessly underestimated, we would advise the examiner to proceed with a certain amount of caution. Devergie—than whom there is no higher authority on this subject—suggests the following rules:—

"1. Never to proceed to the operation fasting, and be sure to first take a dram.

2. To disinter the body early in the morning, if in summer, as at this time the air is cooler and the disengagement of gas less free.

3. To provide sponges, towels, water and from three to four pounds of dry chloride of lime; a pound of the chloride is to be diffused through two pailsful of water.

4. To prepare a large table, to be placed on a platform raised above the ground, and, if possible, in a current of air.

5. To proceed as speedily as possible with the disinterment of the body, and with a relay of grave-diggers. As soon as the coffin is exposed it is to be copiously sprinkled with the solution of the chloride, to enable the workmen to draw it up without danger, which is to be done with ropes.

6. To open the coffin at the side of the grave, remove the body and have it exposed to the air for a quarter of an hour or twenty minutes.

7. To place it on the table, sprinkling around the body at least the amount of half a pound of chloride of lime, replacing it by a like quantity three or four times during the examination.

8. To proceed to the inspection of the body, during which the examiner's hands are to be repeatedly washed with the solution of the chloride.

9. During the course of the inspection the examiner should keep on the windward side of the body."

All these directions we regard as excellent—except, perhaps, the second part of the first paragraph. Unfortunately, in many cases, the examiner will find it impossible to carry them out in their entirety. He should, however, always make the examination in the open air in preference to anywhere else—plenty of fresh air and a good draught are admirable disinfectants. Independently of the examination of the remains, notes should also be made of the condition of the coffin and clothes of the deceased, and in cases requiring chemical analysis, a small quantity of the earth around and beneath the coffin should be removed for examination. In those cases where the remains are supposed—from the lapse of time since their interment—to be reduced to the state of a skeleton, all the precautions given by Devergie for the guidance of the examiners are unnecessary, and he gives a different mode of procedure.

"1. The suspected spot itself should not be touched in the first instance.

2. A trench ought to be dug at a distance of twelve or fourteen feet from the suspected spot, of about fifteen or twenty feet in length by four and a half feet in breadth, observing, as the bones are approached, whether the soil has been previously disturbed, which can readily be done by comparing it with the earth first dug up.

3. As soon as the workmen find the bones, they are to stop, and begin their operations on the opposite side.

4. The body is then to be exposed, little by little, and when the point is reached where the first bones were observed, the earth is to be passed through a fine sieve. By this means all the smaller bones can be collected, and even the nails.

5. As bone after bone is detected, the directions in which the skeleton's head and feet were placed should be noticed.

6. The respective depths of the different bones from the surface may afford some indications of the manner in which the grave was originally dug.

7. If any remains of a cord are found around the cervical vertebræ, its position is to be carefully noted.

8. The bones are to be collected and their respective lengths ascertained, and whether or not they mutually correspond."

If possible, the stature of the individual should be ascertained—which may be done by referring to either Sue or Orfila's tables of measurement,—and an effort should also be made to determine its age and sex by a careful examination of the bones.

In addition to the foregoing remarks upon the subject of medico-legal autopsies, our readers may find the following copies of notes interesting as examples illustrative of the manner of performing a *post-mortem* examination as we have described it:—

Death from Meningitis Resulting from Fracture of the Skull.

Autopsy.

Monday, January 12th, 1880. 10.45 A. M.
At 46 South X. Street.
William Lewis Hubert, colored, aet., 39 years, married.
Identified by Louisa Hubert, of 46 South X. Street.
Lucy Dooner, of 310 N. Street.
Said to have died January 11th, 1880.
Height five feet six and three quarter inches.

Partial rigor mortis present; body that of a well-formed, vigorous man. On right side of the forehead one inch from the median line of the forehead and one and three-quarter inch above the right eyebrow, there is a cicatrix seven-eighths of an inch in length, oblique from above downwards, and from left to right. The cicatrix is that of a freshly healed wound; its edges are irregular. There are no other external signs of violence.

Upon removing the pericranium, beneath it, and corresponding exactly to the position of the aforementioned cicatrix, there is a collection of pus about the size of a fifty cent piece; the periosteum is easily removable from the bone, and on the inner surface of the scalp a cicatrix is perceptible. There is a partially absorbed extravasation of blood in the inner tissues of the scalp around this cicatrix.

In the bone of the skull—corresponding to this lesion of the pericranial tissues—there is an oval fracture one inch in length and one-half inch in breadth; and removing the calvarium on its inner table—corresponding to the lesion in the external table of the skull—and at the inferior edge of the fracture, there is a sharp projecting edge of bone seven-eighths of an inch in length and less than one-eighth of an inch broad. The dura-mater beneath this edge is highly injected and thickened. Beneath it, and external to the pia-mater, there is a collection of lymph and pus, extending all over the superior and right lateral portion of the right cerebral hemisphere. On the left cerebral hemisphere, at the vertex of the head, there is a small collection of pus between the dura and pia mater. Sinuses and meningeal vessels are gorged with blood. A little over a drachm of sanguineous serum in each lateral ventricle brain tissue, somewhat congested and softer than normal.

Vessels of neck distended with blood; trachea and œsophagus healthy.

Diaphragm on a level with sixth and seventh intercostal interspace. No gas or fluid in peritoneal cavity.

No fluid in pleural cavities; no pleuritic adhesions.

Heart arrested in systole and tightly bound to pericardium by old inflammatory adhesions. Valves healthy; clotted blood in both auricles, a white fibrous clot adhering to cordæ tendinæ in left ventricle.

Lungs healthy.

Omentum normal.

Spleen slightly enlarged.

Stomach and duodenum containing a small quantity of liquid.

Liver normal; gall-bladder distended with bile.

Kidneys normal.

Bladder healthy, containing one-half pint of urine.

Genital organs healthy.

Intestines containing some feces and presenting no signs of disease.

Cause of death—Meningitis, the result of a fracture of the skull.

Death from a Gunshot Wound.

Autopsy.

Monday, February 9th, 1880. 3.30 P. M.

At St. Mary's Hospital.

James Crawford, white, aet., 37 years, single.

Identified by Samuel Blount, of 241 Castor Street.

Henry Hogan, of 1250 North Avenue.

Said to have died February 9th, at 12.30 A. M.

Height five feet seven inches.

Rigor mortis well developed; body that of a strong, healthy man.

Seven-eighths of an inch above the right eyebrow and one and a quarter inch from the median line of the forehead there is a slight bruise, accompanied by ecchymosis, one-fourth of an inch in diameter.

Seven-eighths of an inch to the outer side of the right eye there is an ecchymosed bruise one inch in length and one-fourth of an inch in width.

On the right side of the head, one-fourth of an inch above the helix of right ear, a gunshot wound three-eighths of an inch in diameter; helix furrowed by the passage of the projectile. No other external marks of violence.

Removing scalp, found some extravasation of blood in the temporal muscle around the gunshot wound, which penetrated the skull, as also the cerebral membranes. The projectile—a conical pistol-bullet—entered the middle lobe of the right cerebral hemisphere one-fourth of an inch from the fissure of rolando, and, passing through both hemispheres, lies on the left side of the brain

near the anterior portion of the middle lobe. The meninges on left side are also pierced, the orifice being closed by a clot of blood, in the midst of which the bullet was found. The surface of the brain, internally and externally to the pia mater, is covered with clotted blood, which extends down to the base. Brain substance normal.

Organs of neck healthy, vessels containing usual amount of blood.

Diaphragm on a level with seventh rib; nothing abnormal in peritoneal cavity.

No fluid in pleuræ; right lung bound down by old pleuritic adhesions.

Heart contracted; valves healthy; clotted blood in all the cavities.

Lungs healthy.

Omentum presenting nothing unusual.

Spleen healthy.

Stomach and duodenum contained partially digested food.

Kidneys slightly fatty.

Bladder contracted and empty; genital organs normal.

Small and large intestines contained feces.

Cause of death—Compression of the brain, the result of a gunshot wound.

CHAPTER III.

Medico-Legal.

ASPECTS AND SURROUNDINGS OF DEATH.

As already intimated in the preceding pages, the duties of the coroner and his deputy neither begin in the dead-house nor terminate at the inquest. The ends of justice are not always reached by the simple making of a judicial autopsy or the examination of witnesses; for there often remains much evidence—often most important in its nature—which it is the duty of the coroner or his assistants to take into consideration and, if possible, preserve for production either at the inquest or in court at the time of the trial; while many medico-legal questions may arise in the course of the proceedings which the coroner, in his capacity as a judicial officer—should his medical assistant not be at hand—may be obliged to solve, either for his own satisfaction or for that of his jury.

It is therefore necessary that a coroner should have some knowledge of the character presented by wounds inflicted in life or after death—of the signs of death and of cadaveric phenomena generally; as also enough general information to enable him, when necessary, to properly appreciate the value of the surroundings in cases of real or supposed crime; with, finally, sufficient knowledge of the means suggested by experts for the preservation, recognition and, if necessary, production in evidence of such fleeting traces of crime as foot-prints and blood-stains.

To treat, first, of the differences noticeable between wounds inflicted in life and after death, we offer to our readers the following table, taken from Messrs. Woodman & Tidy's "Handy-Book of Forensic Medicine and Toxicology," a most excellent volume, almost encyclopædic in its character. But we would also repeat what those authors say concerning such wounds—that "In using the table, remember, however, that there are exceptions, and the characters in the table must be regarded rather as verbal averages or means, than as strictly true in all individual cases."

Table of Characters of Wounds inflicted in Life and after Death

I—*Of Incised Wounds.*

A—In the Living.

1. Edges sharply cut and *everted*, the skin and muscles being retracted.
2. Bleeding copious, and generally *arterial.*
3. There are clots or coagula.
4. There is a good deal of staining or diffusion of blood in the muscular and connective tissues.
5. After some hours or days there will be signs of *repair* or of *inflammation.* (Partial or complete union, pus, granulations, erysipelas, mortification, etc)

B—In the Dead.

1. Edges close and *not everted.*
2. Bleeding scanty or absent, and generally *venous* when there is any.
3. There are no clots or coagula in most cases; sometimes a few small clots
4. There is very little or no staining or diffusion of blood in the tissues of the wound.
5. There will be no attempt at repair and no signs of inflammation. There may be withering or parchementation of the edges and signs of putrefaction.

II—*Contused Wounds.*

A—In the Living.

1. There is swelling, and after a few hours or a few days, if deep-seated, the skin changes color—not blue, but violet, greenish or yellowish, particularly at the edges.
2. There is effusion of liquid blood and lymph in the deeper parts, and coagula form.
3. The swelling subsides and the colors fade after some days or, in some cases, weeks.
4. Abscesses may form, or ulceration and sloughing (local gangrene) or erysipelas set in.

B—In the Dead.

1. There is very little swelling or change of color.

2. Very little blood is effused. There are hardly any clots or coagula.

3. There are no rainbow-like or prismatic changes of color.

4. No abscesses form and no erysipelatous or gangrenous changes are met with.

III—*Lacerated Wounds.*

A—Inflicted during Life.

1. There will be more hemorrhage and staining from the blood at first.

2. After a few hours or days there will be suppuration or other signs of repair; inflammation or gangrene may also supervene, as in incised wounds.

B—After Death.

1. There is hardly any hemorrhage or staining, unless large veins are torn across.

2. No evidence of repair or of inflammation or gangrene (mortification) can be detected.

N. B.—With some lacerated wounds, particularly those done by violent twisting, as when an arm is torn off by machinery or fingers are caught by steam-saws, etc, there is hardly any hemorrhage, even in life. This is probably due in general to the *torsion of the artery* (torsion being one of the means surgeons use to check hemorrhage); but in some cases the contusion or compression undergone by the blood vessels is the most probable explanation.

IV—*Punctured and Penetrating Wounds.*

A—Inflicted in Life.

1. As in the lacerated wounds, there is generally considerable hemorrhage in life, unless the weapon is blunt.

2. Repair or inflammation or necrotic changes set in after a few hours or days, as in other wounds.

B—Inflicted after Death.

1. There is little or no hemorrhage or coagulation of blood.
2. There are no evidences, either in or around the wound, of repair, inflammation or death of tissues (necrotic changes).

Gunshot wounds partake of the characters of contused, lacerated and penetrating wounds, and may present three parts for observation—a wound of entrance, the course of the projectile and the wound of exit. Often the later is absent, the track of the projectile ending in a *cul-de-sac*, in which it lodges.

The aperture made by a bullet entering the body is usually small, with inverted edges—sometimes smaller than the missile itself—and, from the invertion of the edges, it often simulates the character of an incised wound. Indeed, this is frequently the case in wounds produced by the conical bullets fired by the modern revolver. And in the well known case of the shooting of Victor Noir by Prince Peter Bonaparte, the wound in the body of Noir was at first mistaken by the examiners for a punctured wound. The fact of the wound of entrance being smaller than the projectile may be accounted for by taking into consideration the resistance and elasticity of the skin, which, yielding first as it is struck, finally gives way, and, by not fully retracting, only partially resumes its original position.

When the shot has been fired in close proximity to the victim, the wadding of the weapon may be carried into the wound, while the skin surrounding the same usually presents a blackened, scorched and sometimes burned appearance, with black-brownish dried edges, with a livid periphery, and grains of powder imbedded in the skin. Tourdes, of Strasbourg, in experimenting, in 1870, with a holster-pistol, found he could inflame paper by firing at it, at the distance of half a metre, and there is no doubt but that with a larger weapon—such as a gun—inflammation may be produced at even greater distances by means of the wadding. Tourdes also found that, with the ordinary holster-pistol, fired at a distance of two metres, grains of powder were found sprinkling the object fired at. The same effect was also produced by a large American revolver, fired at one metre distance. An ordinary six-chambered revolver was only effective in a similar manner up to a distance of forty centimetres.

Like all wounds of the contused variety, gunshot are rarely

accompanied by much loss of blood, though when the track of the projectile begins to slough, there may be considerable hemorrhage.

The aperture or wound of exit is usually of ragged and irregular shape, and commonly much larger than the aperture of entrance, though unaccompanied by loss of substance like the latter.

Gunshot wounds inflicted upon the human body after death will, of course, fail to present the evidence of vitality found in those inflicted during life—such as effusion or extravasation of blood into the tissues surrounding the wound, traces of inflammation or much hemorrhage—unless a large vein has been injured. However, to determine positively whether a gunshot wound has been inflicted previous to or after death, it will usually be found necessary to open the body; besides which, it is needless to state that the external appearances of such wounds will vary infinitely, according as the shot will have been fired at a short or long distance, the amount of the charge and the quality of the powder, with the calibre and weight of the projectile used, the character of the weapon, and, lastly, upon the structures the bullet will have encountered in its course. To treat of all of which appearances would require more space than we have at our disposal.

Signs of Death.

The principal ones insisted on by the authorities are—

a. Cessation of the circulation.
b. Cessation of the respiration.
c. The state of the eye.
d. The state of the skin.
e. Extinction of muscular irritability.
f. Extinction of animal heat.
g. Cadaveric rigidity.
h. Putrefaction.

We have been taught by Bichat that death usually takes place either by the *heart*, the *brain* or the *lungs*,—there being in all cases a point of stoppage in the circulation behind which point the blood accumulates in the vessels; while in front of this point, according to the case, there is more or less vacuum of the cavities of the heart which have for mission to transmit the blood into the vessels, and, consequently, more or less vacuum will exist in those vessels themselves.

At the instant of death the animal organism begins to succumb

to external influences—a condition of equality between it and the outer world is established. It has lost its vitality and it putrefies.

a. Cessation of the Circulation.—The moment the heart ceases to act for any permanent length of time, life may be considered as extinct. The application of the finger to the pulse and the ear to the chest in the cardiac region, are the usual means of determining that fact; but it should not be forgotten that the faint movements of a weak heart may escape notice. Indeed, it is well authenticated that in many cases the right side of that organ often continues to contract for some time after the left side has ceased beating.

b. Cessation of the Respiration.—Permanent cessation of this function—one of the most essential acts of life—is also a positive sign of death, if upon careful auscultation not the faintest murmur is heard. As a rule—and especially in new-born children—the heart continues to beat for some moments after the absolute cessation of respiration.

c. The State of the Eye.—Usually the eye loses its lustre shortly after death—wears a dull, listless stare—and the pupils are insensible to the action of drugs or light.

d. The State of the Skin.—As a general rule, the whole body grows ashy white, but persons with a very florid complexion often retain this for some hours, and even days, after death, and an icteric or jaundiced hue of the skin existing at death never becomes white. Red, blue or other tattoo-marks do not disappear, nor do the red or livid edges of ulcers or wounds assume this deathly pallor and livid or greenish-yellow; ecchymosis always retain the appearances they had at the time of death. There is also to be considered the marked loss of elasticity undergone by the skin and tissues, so that if pressed they do not resume their original form.

e. Extinction of Muscular Irritability.—The absence of that property upon application of electrical or galvanic stimulus has been laid down by Nysten as a certain criterion of death. It has lately been discovered that the nature of the disease of which the person has died exerts considerable influence on this change. In some experiments on the muscles of the trunk and limbs with the galvanic stimulus, the irritability was found to disappear in peritonitis in about three hours; in phthisis, scirrhus and cancer in

from three to six hours; in death from profuse hemorrhage, or mortal lesions of the heart, in about nine hours; in apoplexy, with paralysis, in about twelve hours; and in adynamic fevers and pneumonia in from ten to fifteen hours. Its presence is best tested by galvanism, though its existence may be shown by simply pricking or otherwise irritating a nerve of motion leading to the part, and it is usually lost in from eight to twenty hours.

f. Extinction of Animal Heat.—The average length of time in which bodies become quite cold is from eight to twelve hours, the animal heat possessed by the body at the time of death being retained for a certain period, the length of which is modified by a variety of circumstances. As the body parts with its heat by radiation and conduction the same as any other mass of matter, much will depend upon the medium in which it is placed, as well as upon its size and surroundings. It will cool more rapidly in the water than in the air; more rapidly in the air than in-doors; exposed to a draught than in a tranquil atmosphere; in a large apartment than in a small one; naked than if clothed. The body of an adult, from its size, will require more time to cool than that of a child, and that of a fat person will—the other conditions being equal—retain its heat much longer than the body of a thin person. The body of a person suddenly killed, or who has died of an acute disease, cools much less rapidly than that of one who has died of some chronic or wasting disease; and after death by hanging, suffocation or asphyxia from carbonic acid gas, bodies have been observed to retain their heat from twenty-four to forty-eight hours, though occasionally they cool much more rapidly.

g. Cadaveric Rigidity.—This condition, usually known under the name of *rigor mortis*—the *raideur* or *rigidité cadavérique* of the French, or the *todtenstarre* of the Germans—is, according to Casper, the concluding indication of the earliest stage of death, and precedes in every case the commencement of putrefaction. Much speculation and experimenting has been indulged in as to the causes of this condition, by such prominent scientists and investigators as Brücke, Köllicker, Brown-Séquard, Maschka, Küssmaul, Larcher and Foster, without, however, leading to any definite result or agreement in regard to their views as to the ultimate nature of this process. It comes on generally within from five minutes to four hours after death, though sometimes its appearance is postponed until much later. It does not invade the muscles of the whole body

at once, its march being gradual. Beginning first in the muscles of the neck and lower jaw, it passes to the trunk, and from there successively to the upper and lower extremities, varying considerable as to its duration, passing off, in some instances, in one or two hours;—in other cases lasting as long as seven days or more. Nor does it disappear from the body spontaneously, but, retiring gradually as it came on, leaves first those parts of the body in which it first showed itself, persisting longest in the elbow and knee-joints; though it not unfrequently leaves last those parts in which it first appeared, such as the muscles of the neck. Once gone it never returns, and the forcible bending of a joint stiff from *post-mortem* rigidity will cause the stiffness to pass off never to return. The appearance of *rigor mortis* and its duration are greatly modified by various circumstances, such as the external temperature, the age of the deceased and the mode of death. A low condition of the atmosphere is believed to retard its development and favor its long persistence when developed;—though Brown-Séquard has shown not only that it may come on in a warm bath, but that it is well marked in hot climates, and Niderkorn states that it often comes on rapidly in cases where at the time of death the internal temperature of the body was above normal. In new-born children and infants it comes on more rapidly than in adults, lasting some forty hours; while in the latter its average duration is from three to four days. In old and debile subjects it comes on more rapidly and passes off more speedily than in those stricken down suddenly by violence or acute disease; in immature fœtuses its rapid appearance and transitory character first led to the belief that in them it did not occur. Death from drowning is believed to favor the long continuance of cadaveric rigidity, and the existence of intoxication at the moment of death causes it to be of long persistence. Formerly it was not thought to occur after death by lightning, but Dr. B. Ward Richardson proved the erroneousness of that conclusion; while after narcotic poisoning it is usually of a passing character;—after strychnia poisoning it lasts a considerable length of time. According to Küssmaul, prior to the approach of cadaveric rigidity, the body is limp and placid, the countenance wears a meaningless expression, the eyelids may be closed or partially open, the orbits being more or less dilated; the mouth is partially open, owing to the relaxation of the muscles of the lower jaw. If the body has been left undisturbed the eyelids and lips usually

close, and the pupils are found to be half-way between dilatation and contraction. The elbows and knees are usually but slightly bent, the fingers are more or less flexed, the thumbs being oftenest straight,—occasionally slightly flexed, but rarely drawn into the palms; the toes usually straight, and the facial expression is generally that of calmness and placidity.

Closely allied to, if not identical with, *cadaveric rigidity*, is that condition which it has been proposed to call *cadaveric spasm*, or for which DuBois Reymond has not inappropriately suggested the name of "cataleptic cadaveric rigidity."

Maschka and Nysten had already investigated this subject, when, in 1856, Dr. Adolph Küssmaul, of Heidelberg, published a lengthy paper on it.

"In some instances of sudden death," said he, "it has been long known that the limbs at the moment fail to relax, no interval whatever being observable betwixt the continuance or departure of the vital tension of the muscles and their fixture by rigidity. Cases of this sort should not be confounded with those we have last mentioned (ordinary cadaveric rigidity), nor with the rigidity at the moment of death from the freezing of the fluids,—in some cases, of death by cold. In themselves they are deserving of the closest consideration of the medical jurist. Commencing at the latest instant of life, the rigidity continues uninterruptedly till the muscular tissues have begun to alter under the influence of the putrefactive process. Though no line of demarcation has yet been drawn betwixt this form of muscular stiffening and ordinary *post-mortem* rigidity, we may take it for granted, in the meantime, that the two phenomena are different, and consider the one in question under the term which has been applied to it, of *cadaveric spasm*, employing the designation, however, in its *generic sense*."

Further on this author adopts the view "That *cadaveric spasm* is, in many instances, but the preliminary stage of *cadaveric rigidity*, and he admits that at times ordinary *cadaveric rigidity*, besides being liable at times to be marked by or to become indistinguishable from the different forms of *cadaveric spasm*, may also occasionally escape the notice of observers altogether, either from its not having had time afforded for its development at the moment, from its having previously disappeared, or, if present, from having had its existence overlooked by them on account of its limited extent or partial sphere of operation.

Cadaveric spasm has usually been observed in certain cases of sudden death—as after the more violent forms of death in battle and after death from apoplexy or injuries of the cerebro-spinal axis, though it is now admitted that it may occur after death from any cause.

In the "American Journal of Medical Sciences" for January, 1870, Dr. John H. Brinton, of this city, late Surgeon U. S. Volunteers, published a short but most interesting account of what he termed "INSTANTANEOUS RIGOR, THE OCCASIONAL ACCOMPANIMENT OF SUDDEN AND VIOLENT DEATH," being the first writer on the subject in this country. And in his graphic account he gives many illustrative cases from his own experience on the battle-fields during the late civil war. Of which we will quote a few:—

"At the battle of Belmont, in Missouri, in November, 1861, I examined the body of a United States soldier of about forty years of age, who had been shot through the head obliquely from the front to the back. At the moment of death this man was kneeling by the side of a small tree, and was evidently in the act of firing his piece. When examined, the body, not yet cold, was resting upon the right knee and leg; the left leg was bent, with the foot resting upon the ground. The left hand clenched firmly the barrel of the gun, the butt of which rested upon the ground. The head, drooping upon the chest and to one side, rested against the tree. The attitude of the chest was generally somewhat forward The jaw was fixed and the rigidity of the body perfect. The clutch of the hand upon the piece was firm. At first glance, I supposed the attitude to be one of life, and I could scarcely convince myself, even by close examination, of the existence of death, so life-like was the statue."

"At the battle of Antietam, in 1862, I examined the body of a Southern soldier of middle age, who had been killed at the side of the sunken road which skirted the well-known field of corn. This body was in the semi-erect posture;—one of the feet rested firmly on the ground, while the knee of the other leg, slightly flexed, pressed against the bank of earth forming the side of the road. One arm, extended, was stretched forward, the hand resting upon the low breast-work of fence rails thrown up to protect the trench. His gun, with ramrod driven half-way down, had dropped from his hand, and lay on the ground beside him. The man had evidently been killed while loading, and in the act of rising from his

knees to his feet—probably for the purpose of observation—a ball had passed directly through the centre of his forehead, and had emerged posteriorly."

At Antietam, Dr. Brinton also made many other observations, and noticed many cases like the above. As a rule, the examinations were made about thirty-six hours after death, and also later; while in the majority of cases the death resulted from chest-wounds, in some instances the lesion was in the head or abdomen. In illustration of the possibility of the occurrence of instantaneous rigor following gunshot injuries of the head, he quotes the following case:—

"While a detail of United States soldiers were foraging in the vicinity of Goldsboro', N. C., they suddenly came upon a party of Southern cavalry, dismounted. The latter immediately sprang to their saddles. A volley at about two hundred yards range was fired at them, apparently without effect, as they all rode away with the exception of one trooper. He was left standing, with one foot in the stirrup; one hand—the left—grasping the bridle-rein and mane of his horse; the right hand clenching the barrel of his carbine near the muzzle; the butt of the carbine resting on the ground. The man's head was turned over his right shoulder, apparently watching the approach of the attacking party. Some of the latter were about to fire a second time, but were restrained by the officer in charge, who directed them to advance and take the Southern soldier alive. In the meantime, he was called upon to surrender, without response. Upon a near approach and examination, he was found to be rigid in death, in the singular attitude above described. Great difficulty was experienced in forcing the mane of his horse from his left hand and the carbine from his right. When the body was laid upon the ground the limbs still retained the same position and same inflexibility. This man had been struck by two cylindro-conoidal balls, each from a United States Springfield rifle. One entered the body at the right side of the spine, and, emerging near the region of the heart, dented the saddle-skirt, and dropped upon the ground. The other entered at the right temple, and had no apparent exit. The horse had remained quiet, being fastened by a halter."

Referring to the observations of MM. Armand and Perier, as given by M. Chénu, in his report on the medical service of the French army during the Crimean and Italian campaigns, Dr. Brinton mentions some of the instances recorded by them, where,

after the battle of Magenta, "a great number retained in part the attitude which they had at the moment in which they were struck, and appeared to have passed instantly from life to death, without agony and without convulsions. Those shot through the head had generally fallen with their faces to the ground, and for the most part grasped their arms." Basing his judgment upon their experience and his own, the doctor believed that the rigidity of sudden, violent death may accompany heart as well as brain wounds. And in support of this theory he gives the following experience:—

"A remarkable example of this rigidity, following, most probably, the wound of the lung and vessels, was witnessed by the writer at Belmont, Missouri. After that action, in riding from the field, he met a young United States infantry soldier who had been shot, some two hours previously, through the left breast, rather below the region of the heart. This man had managed to find a stray mule, which he had mounted without saddle, and was endeavoring to reach a place of safety and succor. His symptoms were those of gunshot wound of the lung, as evinced by great dyspnœa and expectoration of blood. He gradually became weaker and weaker, and shortly died as he rode by the writer's side. His eyes glazed and the jaw immediately fixed, and the signs of death seemed unequivocal. The corpse, however, remained in its upright mounted position, and when, after the lapse of many minutes, and after considerable ground had been passed over, it became necessary to appropriate the mule to the use of a living wounded soldier, the body was found to be so firmly and rigidly set as to demand a certain amount of positive force to free the mule from the clasp of its legs. When placed upon the ground the rigid sitting posture was retained."

Summing up his remarks upon the subject of battle-field rigidity, Dr. Brinton adopts the following conclusions:—

First. "The rigidity has been developed at the instant of death."

Second. "The cadaveric attitudes exhibited are those of the last moment and act of life."

Third. "The death, most probably, has been instantaneous, and unaccompanied by convulsions or agony."

Fourth. "The rigidity is, probably, more lasting than is usually supposed."

Fifth. "It is very doubtful whether this instantaneous rigor of

sudden death or rigor of the battle field is succeeded by flexibility, in its turn to be followed by the ordinary rigor mortis."

Rossbach, of Wurzburg, who, in 1871, published a paper (*Allg. Med. Central Zeit.*) on "Cadaveric Rigidity Commencing Immediately after the Cessation of Life," also had the opportunity, during the Franco-Prussian war, of observing "a small number of corpses which, in a state of rigidity, had retained the same attitude taken during life, with a determined object in view, even when this attitude was not in conformity with the laws of gravity." But, in contradistinction to the views advanced by Brinton, he remarks that it was not only observable in soldiers who had died suddenly, but also in the bodies of soldiers upon whom death had come slowly and who had known that they were doomed. From the attitude observable in many of them, he states that it was possible to infer that death had surprised them when different parts of the body were in a state of more or less energetic contraction.

On the abrupt slope of a hill he found the body of a Prussian chasseur firmly grasping his gun and in the attitude of a soldier charging.

On a height, near Beaumont, he also saw the body of a German soldier lying on its back, and holding out both arms, stiffened, towards the sky.

In the case of instantaneous rigor coming on after the slow advance of death, he gives the interesting case of a German soldier who, wounded in the breast, was partially lying on his side on his knapsack;—his rigid hand was stretched before his eyes and held a photograph.

From these and a few other instances, Dr. Rossbach has concluded—

That while, in the greater number of cases, death relaxes the muscles completely, and there results from this a condition of *cadaveric rigidity* which may come on in any time within five minutes to twenty-four hours, there exists also a *cadaveric rigidity* of the muscles, which succeeds, suddenly and at once, to the active muscular contraction of the last act of life, without being preceded with relaxation And these instances have been noticed, not only in individuals surprised by sudden and rapid death, but also in those who have died slowly. He also announces that this peculiar *cadaveric rigidity* affects without distinction all the muscles, whether energetically or moderately contracted; nor does

it, he avers, depend at all upon the situation of the injury, it having been noticed as well in wounds of the skull as in wounds of the breast or abdomen.

Naturally, as the true cause of the occurrence of ordinary *cadaveric rigidity* has yet to be determined, the same difficulty surrounds this condition, which we prefer to call by the name of *cadaveric spasm.* But whatever its cause, the knowledge of the possibility of its occurrence will be at times necessary for him whose duty it is to investigate sudden and violent deaths.

Not only does it occur in human beings, but—as the observations of Brinton and Rossbach and others have shown—it may occur in animals.

Brinton mentions the case of a dead battery-horse, with a ball through the centre of its forehead, which remained for many hours upright on its knees, its head curved in air, semi-erect, rigid and unsupported; while two other horses, killed at the same moment, lay on their back and side, the usual attitude of dead animals.

The writer himself has also frequently seen *cadaveric spasm* in animals chased to death in the hunting-field or shot after a lengthy pursuit.

Not only may it occur after death in battle, but also—as the works of Morgagni, labors of Küssmaul and the already quoted paper of Rossbach show—the possibility of its occurrence in death from other causes has been indubitably proved, as the following cases quoted from Küssmaul will show:—

"The body of J. S., a seaman, aged thirty-five, was found (November, 1843) in a sitting posture on the floor of his room, the head and arms leaning on a chair. Deceased was of intemperate habits. Putrefaction had made some progress in the body at the time."

"A. L., a man about sixty, entering a tavern (June, 1842), was left in a room by himself for from twenty to thirty minutes. His corpse was then found seated on a couch, one arm over the arm of the couch, in an easy attitude."

"A robust and muscular prisoner, under forty years, hung himself in jail. The free end of the ligature had been attached to a bar in the window of his cell, which was so low that his knees, when suspended from it, almost touched the floor, while his toes rested on it. Near him lay a stool overturned, on which it was conjectured he had been kneeling previously. When found hanging, there was a Bible betwixt his knees, retained there by the closely adducted thighs."

"The body of J. W., or S., an old woman, was found (September, 1845), within a few minutes of the outbreak of a fire, in her room, with the clothes on the upper part of her person consumed, deep burns on the side of the face, on various parts of the body, trunk, thigh and one arm; and the tongue protruded and fixed between the clenched jaws. The joints of both the upper and lower extremities were all rigidly and closely contracted."

These observations, together with many analogous cases constantly mentioned by all the recent writers on forensic medicine, go to prove, unquestionably, the possibility of *cadaveric spasm* after forms of death, where its presence or absence may be of great medico-legal importance.

While the question, whether the facial expression of the dead may not often indicate the last thoughts during life, has been negatively answered by both Maschka and Küssmaul. Chénu, in his report quoted by Brinton, lays great stress upon the physiognomy of those killed in battle, as often expressing hate, anguish and despair, or, in some cases, "pious resignation," an opinion which Devergie expressed in his famous work on Legal Medicine, and which is also maintained by Rossbach, who declares that he has often witnessed the same, and, in one instance, has even seen gaiety expressed on the faces of corpses.

Until, however, the observations of these investigators shall have been corroborated by frequent repetition, we think they should be received with caution—without too much importance being assigned to them; though we have in the course of over three hundred *post-mortem* examinations of the human cadaver, after death from various causes, frequently met with instances where the visage was contracted and distorted as if by pain or anger, but in only one case have we seen an expression which could be considered akin to gaiety.

This was in the case of a young man killed by the accidental discharge of a shotgun in the hands of his friend. The piece, discharged at a distance of a few inches from the unfortunate youth, entirely blew away the left side of his lower jaw and neck, inflicting a large triangular-shaped lacerated wound, a portion of the load of No. 7 shot emerging through a counter-opening in the back of the neck, the rest remaining in the wound. Death being the result of profuse hemorrhage from the carotids and jugulars, must have been almost instantaneous. The body, when

seen by us, thirteen and three-quarter hours after death, had not yet been disturbed, and was lying in a large pool of blood. The muscles of the limbs and neck were partially rigid, and after the face, blackened and scorched by powder, had been carefully washed, the features were found to bear a smiling expression. According to the testimony of by-standers, when killed he was laughing.

h. Putrefaction or decomposition is the most positive sign of the death of an organic body. It rarely ever begins before the disappearance of cadaveric rigidity, but occasionally it has been observed simultaneously with that condition. (Woodman and Tidy). It may be retarded, modified or arrested by certain conditions.

Age modifies it. The bodies of new-born children putrefy, *cæteris paribus*, more rapidly than the bodies of abults.

The bodies of females decompose more rapidly than those of males.

The condition of the body modifies it; fleshy subjects putrefy more rapidly than lean ones.

Naked bodies putrefy more rapidly than those which are dressed or from which the external air is excluded.

Temperature exerts a remarkable influence over decomposition. A temperature of 70° to 100° Fahrenheit conduces to rapid putrefaction, while a temperature of 32° Fahrenheit, or lower, may retard or even check it.

Bodies putrefy less rapidly in water than in the atmosphere, and they undergo decomposition more rapidly in stagnant than in running water.

Bodies interred at some depth decompose less rapidly than those buried near the surface.

Finally, putrefaction is modified to a marked degree by the mode of death, beginning much later after sudden death in healthy persons than after death from an exhausting or protracted disease.

Putrefaction—usually indicated by a greenish hue appearing on the walls of the abdomen—begins in from twenty-four to seventy-two hours after death (Casper), though it may also come on within a few hours after death; and we are of the opinion that it is of much more rapid occurrence during the summer and autumn heat of this country than is usually laid down by the authorities on the subject. From the abdomen it spreads over the external genitals, which assume a reddish-brown hue, and a peculiarly dis-

agreeable odor is very perceptible. In many cases, also, a bloody, frothy fluid exudes from the mouth and nostrils, while the abdomen begins to swell from the development of gas in the intestines, and the blood is forced along the great vessels toward the head and neck, which assume a bloated and distended appearance, the eyes become prominent, seeming to start from their sockets, though subsequently they collapse. As decomposition goes on, a blood-like fluid exudes from ruptured vessels or old wounds. (This was thought, in by gone days, to be due to the presence of the murderer) The loose tissues of the body—such as the eyelids, scrotum, penis, the great labia—are distended by gases, and bullae and vesications form as the skin begins to loosen; while the hair, nails and scarf-skin easily become detached and the fluids of the body acquire great liquidity and gravitate to the most dependent parts, through which they escape. All these changes may, according to the conditions in which the body is placed, be the result of a few hours time, or have required the lapse of months for their accomplishment.

Besides the process of entire decomposition, organic bodies are subject occasionally to what is known as saponification, or transformation into *adipocere.*

This curious substance was first noticed and described by Fourcroy, on the occasion of the exhumations practiced in Paris at the church-yard of the Innocents, during the years 1785, 1786 and 1787. *Adipocere* is a soapy, fatty substance, of a yellowish white color, extensile between the fingers, with a fibrous fracture, cutting soft and melting at a flame; its odor is peculiar and cheesy, but not diagreeable. Upon analysis, most specimens appear to be an amoniacal soap, which is soluble in hot alcohol, whilst others contain lime as a base, which combine with the oleic, stearic and perhaps palmitic acids of the body. It is believed to be produced by the continuous action of moisture on a putrefying corpse, whether it be lying in water or only in very damp soil; and as all the tissues contain more or less fat, almost every part of the body may be converted into *adipocere*—even the bones; but the skin, breast and fatty parts are usually first so converted, and, more slowly, the muscles, solid viscera and the harder tissues. Fourcroy, quoted by Woodman and Tidy, found that the bodies which he examined presented three different states—

1. "The most ancient were simply portions of bones, irregularly dispersed in the soil, which had been frequently disturbed."

2. "A second state exhibited the skin, muscles, tendons and aponeuroses—in bodies which had been insulated—dry, brittle, hard, more or less gray and like what are called mummies."

3. "The most singular state was observed in the "fosses communes" (common pits for the poor), where large numbers had been interred in deep pits, one above the other. On opening one of these which had been quite closed for fifteen years, he found the coffins fairly preserved; the linen which had covered them was slightly adherent to the flattened bodies, and with the form of the different regions exhibited;—on removing the linen, nothing but irregular masses of a soft ductile matter, of a gray-white color, resembling common white cheese."

The time required for the body to be transformed into *adipocere* is much less than was formerly supposed, thirty years being the time set down; for it appears that, under favorable circumstances—as in running water—a body may be partially saponified in from five to six weeks. The fluid of privies is also believed to favor its development, and the bodies of new born infants are, from the amount of fat which they contain, more apt to be converted into *adipocere* than the bodies of adults.

Once its formation effected, the time of its duration is not known. Recently, in this city, while some building excavations were being made upon the site of an old burial-ground, which had been out of use for over forty years and already built upon, a number of bodies in coffins were brought to light. The coffins were in a tolerable state of preservation, and upon being opened in the writer's presence, in many of them portions of the human frame converted into *adipocere* were found. The condition of saponification was almost identical with that described by Fourcroy, under his second and third headings, though no trace of the clothing of the bodies could be found. How long the bodies had been interred could not be ascertained.

Mummification, which is another form under which organic bodies may be preserved, is that remarkable dessication of the body—with all the soft parts retained and preserved—with the general form of the body and the features preserved. Such instances, it would seem, from the frequent reference contained in medico-legal literature, are rare. It may be either produced by embalmment or by subjecting the body to a very dry and high temperature. Bodies exposed to a drying wind—as can be seen in a body that for about

seventy years has lain at Charlottenburg, near Berlin, in an open vault closed only by an iron lattice-work—are sometimes preserved in a wonderful manner. The bodies of children are said to mummify more rapidly than those of adults, the bodies of females more rapidly than those of males, and lean, bloodless bodies more rapidly than those of fat persons. But little is known of the process of, and essential prerequisites for, natural mummification. It is certain, however, that, the process once completed, a mummy may last for many hundreds of years.

Another point of interest to coroners and magistrates in the external examination of corpses, is that peculiar discoloration of portions of the body which is known under the name of *external hypostases*, *post-mortem staining*, or *cadaveric lividity*, the latter term being preferable. Believed to be due to the extravasation into, or imbibition through, the dead tissues of the serum of the blood, with a certain amount of red blood-corpuscles, it appears, usually, upon the most dependent parts of the body, in the form of reddish patches, irregular in shape, subsequently assuming a reddish-blue or violet appearance. Occurring in from eight to twelve hours after death (Casper), it is frequently a source of alarm to non-professional persons, who view with dismay what often appears to them as the indubitable marks of violence or the signs of advancing decomposition. *Cadaveric lividities* are especially to be looked for at the back of the head, neck, trunk, nates, arms and legs, and may be distinguished from real marks of violence—likely to be confounded with them—by the fact that they usually involve large portions of the body, are not elevated above the level of the surrounding skin, have irregular but abruptly defined margins with the colorless surrounding skin, and that when incised nothing but a few bloody points will be found instead of the effusion of blood found beneath all discolorations of the skin due to violence, though the theory that after death from hemorrhage *cadaveric lividities* do not appear, has not been set aside. From our own experience, we do not hesitate to state that, as a rule, in such cases they usually appear later, and are much less well marked.

Frequently the discolorations will be found to assume the appearance of stripes, or, as they have been termed in medico-legal parlance, *vibices*. This peculiar appearance is generally due to some pressure exerted on the skin, either at the time of death or

shortly after, while the body is cooling, such as that frequently made by the folds of a sheet, a tight fitting collar, or any other article of clothing. Care must be taken to distinguish any livid discolorations thus produced from marks indicative of violence, *vibices* having at times been mistaken for the marks due to flogging.

Somewhat similar in appearance to cadaveric lividity, but differing from it altogether as to the causes of its origin, is the discolored condition of the skin usually distinctive of contused wounds, and popularly known as a *bruise*—or, when occurring in the tissues of the orbit, as a *black-eye*—caused by the effusion of blood from ruptured capillary vessels into the lower layer of the skin—the subcutaneous cellular tissues. *Ecchymosis* appears first as a dark reddish-blue and as black discoloration, at times slightly raised above the level of the surrounding skin, and subsequently undergo changes in color, most important from a medico-legal point of view. Within a few hours after its first appearance, an *ecchymosed* spot becomes lighter at its edges, assuming first a bluish, then a violet hue, and altering its color daily, passing through various shades of green, orange and yellow before the skin resumes its normal color. Many attempts have been made to determine the periods when the changes of color take place; and Ogston states "That the blue color appears about the second day, the green from the fifth to the sixth day, the yellow from the seventh to the eighth day, and the complete disappearance of the mark occurs from the tenth to the twelfth day, or even later." In certain cases, even after severe injuries, several days may elapse before the appearance of *ecchymosis*. Indeed, occasionally, after the severest forms of injuries, no external marks of violence will be visible, the extravasation of blood being confined to the deep tissues, and perhaps not having had time to work itself by imbibition to the surface; while the discoloration of the skin, due to the subcutaneous infiltration of effused blood, will frequently appear almost simultaneously with the injury, again, in certain cases, months will go by before the effused clot will be entirely reabsorbed. It has been noticed that the discoloration does not always appear precisely at the situation of the contusion, as the direction the extravasated blood follows in its course depends considerably upon the density of the tissues and the resistance they oppose to the effusion. In a contusion of the arm-pit, for instance, the discoloration appears below the injured

part; while in the iliac and hypogastric regions the discoloration, on the contrary, appears above the point struck. This latter arises from the arreolar tissues being more closely adherent to the brim of the pelvis than it is either above or below this part. The same remark applies to the knee, the shoulder, the chest and other parts of the body. (Ogston.)

The late Dr. Taylor also advocated the theory that the ecchymosis might manifest itself, not at the part struck, but on the opposite side of the limb, and be, in fact, the result of counter-stroke. This is, however, still a mooted point, sufficient observations having as yet not been made on the subject.

It has been, however, undoubtedly proven, that the shape of a bruise will often depend upon the weapon producing it. For instance, in a case frequently quoted by writers on the subject, in an attempt at murder, the victim struck his assailant, while defending himself, with the door-key of his house; and by the marks of contusion produced by the wards of the key the would-be assassin was identified and convicted. And in cases of suffocation by throttling, the imprint of the fingers left upon the throat by the murderer's firm grasp are often important evidence. *Ecchymosis* is distinguishable from *cadaveric lividity* by the fact that, upon making an incision into the *ecchymosed* spot, the effusion of extravasated blood, or traces of it in the shape of clots in various stages of reabsorption, are to be found.

It must be always borne in mind by those commissioned to examine dead bodies, that while *ecchymosis* is a sign of violence, the latter is not always accompanied by *ecchymosis.*

With a thorough knowledge of the foregoing signs of death, a person examining a corpse ought to have but little difficulty in being able to fix—approximately, of course—the probable period which has elapsed since death took place.

And Casper, of Berlin, basing his judgment upon an experience of twenty years, states that a body which combines the cessation of the action of the heart and respiratory functions—with lustreless eyes, loss of muscular contractility, pallor of the surface, loss of animal heat and relaxation of the muscles—will have probably been dead some ten or twelve hours; while a body which, in addition to the appearances already laid down as characteristic of the first period after death, presents those of the middle period after death—such as softening of the muscles, followed by *rigor mortis,*

with cadaveric lividities and coagulation of the blood in the heart and great vessels of the body,—may be considered as having been dead from two to three days.

Concerning putrefaction, that high authority considers that, as a general rule, with a given similar average temperature, the putrefaction which will be found present in a body which has lain in the open air for a week will correspond to that found in a body which has been immersed in water for two weeks or has been interred for eight weeks.

In treating of the following subject, some knowledge of which is a necessity to a coroner or magistrate, we have been satisfied with simply giving such an account of the blood and its properties as will be understood by educated laymen; leaving, however, untouched the departments of chemical, microscopic and spectroscopic examination, it being obvious that questions concerning them can only be satisfactorily answered by experts.

Blood.—Human blood is a reddish viscid liquid, of a peculiar odor and an average specific gravity of 1055. It is composed in the living subject of water, fibrin, albumen and salts, which, together, form a solution holding in suspension what are known as the red and white corpuscles of the blood. In the dead subject the blood undergoes the change called clotting or coagulation, and then consists of fibrin, with red and white corpuscles and some serum, which forms a semi-solid mass floating in, or surrounded by, a fluid formed by the water and albumen with the salts in solution, which constitute the serum, or *liquor sanguinis*. The color of the blood varies from a bright red to a dark or bluish-red hue; the first, which comes from the arteries, being known as arterial blood, and the second as venous, or blood from the veins, the bright red hue of arterial blood being due to the oxygenation—during their passage through the lungs—of the red blood corpuscles, which are minute reddish-yellow particles, indistinguishable to the naked eye, avaraging the 3200 of an inch in size, 5,000,000 of them being contained in one cubic millimetre of blood. The venous blood, *per contra*, owes its dark color to the deoxygenation of these red corpuscles as they pass through the tissues of the body. Naturally, the color of these two varieties of blood is subject to the many modifications dependent upon disease.

When life is extinct, after the cessation of the action of the

heart and the function of the lungs, the blood begins to coagulate in the heart and veins, except after certain forms of death. Coagulation is favored by moderately high temperature—100° to 120° Fahrenheit. Contact with foreign bodies and rough surfaces—affording a multiplication of the points of contact—also favor its speedy occurrence. For this reason coagulation takes place more rapidly in the irregularly-shaped cavities of the heart, or when surrounded by the rough walls of an aneurismal sac, and blood effused on a rough board will undergo coagulation sooner than that effused on a polished surface. It is also favored by the free access of air, and occurs rapidly when thinly effused over a large surface; the addition of somewhat less than twice its bulk of water hastens it, and venesection is believed to favor it.

Coagulation is, however, retarded by cold, and frozen blood, after being thawed, coagulates but badly. Excessive heat is unfavorable to its occurrence, and the addition of alkaline salts, or more than twice its bulk of water to it, prevents it. Certain diseases retard its occurrence, and want of aeration—as in death from suffocation or drowning—hinders it almost completely.

The statement made by many authorities, that blood drawn or effused from the body after death does not coagulate, is pronounced by Casper to be erroneous; and from our own observations we can safely affirm that blood drawn from the body within a few hours after death, and before it has cooled, will readily clot upon exposure, while in many cases where death must have been instantaneous—as from the rupture of an aneurism of one of the large arteries, heart disease or wounds of the brain or heart—we have found the blood coagulated in the heart and other cavities, when the clottings could only have taken place after death. In other cases, where the blood has been effused or drawn off a long time after death, when the body had entirely cooled, we have noticed it either to coagulate with difficulty or else not at all. So that, in the case of wounds having been inflicted on a body shortly after death, the effused blood will present the same clotted appearance as after a hemorrhage occurring before death.

As the blood oxidizes upon exposure to the atmosphere, it will not unfrequently happen that blood—the result of a venous hemorrhage—will present to the naked eye the red appearance of arterial blood, from which it can only be distinguished by certain tests.

The value of blood stains as a means of bringing the crime

home to the guilty party, or clearing an innocent person of a false accusation, is unquestioned, and instances of thus tracing crime, and its discovery, are not wanting in the annals of judicial medicine.

Thus, in an interesting case reported in the "*London Medical Gazette*," and quoted by Ogston in his lectures, a woman was found dead at the foot of a stair, with fractures of the skull and vertebral bones and a wound of a branch of the temporal artery, and it was alleged that wound of the artery and injuries were the result of the fall. The discovery of jets of blood—such as must have come from an artery during life—on the wall at the top of the stairs, four or five feet from the floor, clearly proved that such was not the case.

"And in a case of murder," investigated by Ogston, in 1869, "the locality of the fatal blow was brought out in the same way. The man's body was found in a field about thirty yards from the nearest house. His skull was beaten in, apparently by some ponderous weapon, such as the back of an axe. But though the quantity of blood at the place showed that he had perished where his body was discovered, yet the finding of jets of blood on the side posts of the door of the house and on the plaster of the wall in its vicinity, at the height of four or five feet from the ground, pointed out the house-door as the place where the injury had been inflicted."

Enough of such cases to occupy all the space at our disposal might be quoted.

In looking for blood-stains on the objects surrounding a corpse, or on the clothes and person of an individual suspected of a crime, they should always be sought for in the places where they would probably escape the notice of a criminal seeking to obliterate all traces of his crime—such as in the cracks in the handle of a knife or the markings on the blade, the seams of clothing or the inside surfaces of shirt or coat-sleeves. Attention to this point by the district attorney of Philadelphia, while investigating the murder of Mrs. Hill by her son-in-law, Twitchell, led to the finding of spots of blood on the inner surface of Twitchell's sleeve-buttons. In examining blood-stains with the naked eye, they will frequently be found to differ considerably. At times they are found as small spots, with well-defined margins, as when the blood has dripped or fallen on a horizontal surface. Again, it is stated (Hoffman) that if the blood has spurted in an oblique direction from an artery on

to a perpendicular surface, the stained spot will have the form of a comet, the large, thick end of which will indicate where the jet of blood first struck, while the attenuated, tail-like appendage will owe its origin to the continuing impulse of a portion of the suddenly arrested blood, though the appearance of the whole stain will vary according to the calibre of the injured artery, with the distance which the blood has traversed and the force with which it has spurted.

The color of blood-stains will also depend upon many causes, and varies according to their age—their thickness, with the degree of moisture and the temperature of atmosphere, together with the surface upon which they are effused. Upon a polished surface will usually appear as dark shining spots, with irregular fissures radiating from their centres. They are slightly elevated above the level of the surface upon which they rest, and are easily removed by friction. In textures like cotton, linen, silk or flannel blood-stains give a hard, stiffened feeling, like spots of dried jelly. Upon substances which are of a dark color, the stains may, unless carefully sought for, escape observation. And while, as a rule, the investigations should be conducted by daylight—which is always to be preferred to artificial light—to the celebrated Ollivier (d'Angers) we are indebted for the knowledge that when the stain is on black, brown or blue surfaces, it is more easily recognizable by artificial light than by daylight. In support of which he gives the following illustration:—

"Summoned to examine the room of a person accused of murder, he failed to discover any blood-stains at the first examination made by daylight, and was directed to make a second examination, which he conducted at night; when he remarked, on holding a candle near the wall-paper—which was of a pale blue color—a number of drops of an obscure dirty red, which in daylight had the appearance of small black specks and were lost in the general pattern of the paper. And on further examination, other spots, similar in character, were found on the furniture. On one of the chimney-jambs, which was painted blue, he found a large spot of blood, which appeared red by candle-light. The day following two other gentlemen, making the same examination by daylight, were unable to find these spots, and were obliged to have recourse to artificial light."

Blood which has been diluted with water and then dried upon

towels, clothing or other articles, will give to them a stiffened feel, similar to that produced by pure blood, but lighter in color. As a general rule, if a blood-stain is of a bright red it may be safely presumed that it is recent; but if it is brown it is no proof that it is an old one.

It will frequently be desirable for the coroner to preserve, for production in court, fac-similes of any imprints of bloody hands or feet upon the walls or floor which he may have observed, though, whenever possible, the flooring itself or the portion of the wall had best be removed and carefully preserved. To take an imprint of a blood-stain on a wall or floor, carefully moisten it with a mixture of glycerine and water—one part of glycerine to ten or twelve parts of water—applied by means of a soft camel's hair brush, and an impression may then be taken on thick unsized paper, such as thick blotting-paper. For the exact measurement and comparison of bloody foot-prints on pavements or plank floors, a most ingenious method has been devised by Caussé (d'Albi) (see *Ann. d'Hygiène, 2d series I., page* 175), which we regret that its length debars us from quoting. We would urge its perusal and a careful examination of its illustrative figures by all who are interested in the subject.

As we have already stated, to discriminate between venous and arterial blood will be the duty of a physician. So also must any investigation—having for its object the distinction of human blood from other blood, or the distinction of menstrual blood from ordinary blood—be conducted by one accustomed to chemical, microscopic or spectroscopic manipulations. And for the information of those receiving medical evidence, we will state that while, in the existing state of medical science, human blood may be distinguished from the blood of fowls or fishes by the different shape of the blood corpuscles, but not positively that of ordinary domestic animals, from which it only differs in the size of the corpuscles. Concerning menstrual blood, the statement has been advanced that it may be distinguished from ordinary blood by the fact that it contains no fibrin,—that it is acid,—and that when examined microscopically it will be found associated with the minute scales upon the coating of the vaginal walls (pavement epithelium). This, however, is a point which is still *sub judice*, and upon which evidence should be received with caution. Nor can the age of a blood-stain be determined.

In conclusion, we would say, that in attempting to derive inform-

ation from marks of blood in an apartment, great care must be taken to avoid being misled by the accidental diffusion of the blood, caused by persons handling the body or going in and out of the room. The following case, quoted from Taylor, shows well the necessity of extreme caution:—

"A young man was found dead in his bed-chamber, with three wounds on the front of his neck. The physician who was first called in to see the deceased had, unknowingly, stamped in the blood with which the floor was covered, and had then walked into an adjoining room, passing and repassing several times. He had thus left a number of bloody foot-prints on the floor. No notice of this was taken at the time, but on the following day, when the examination was resumed, the circumstance of the foot-prints was particularly attended to, and excited a suspicion that the young man had been murdered. The suspected person was arrested, and would have undergone a trial on the charge of murder, had not M. Marc been called in to examine all the particulars of the case."

And the possibility of such a mistake being made should cause a coroner to be very careful in drawing his conclusions, and when a body shall have been disturbed, or its surroundings deranged before his arrival, by persons who were incompetent to observe and note the exact condition of affairs, it will usually be well for him to abstain from drawing any inferences from any statements which may be made by them.

Besides the valuable information to be gained by the observation of blood-stains, much circumstantial evidence of almost important character can be gained from a proper examination of the position in which the body has been found. And it should always be noticed whether the position of the body is such as a suicide could or would have assumed, or whether its position is only compatible with homicidal interference. The distance at which a weapon was found is also a very important point; for it may be necessary to determine whether or not it could have been placed there by the deceased. And it should be borne in mind that frequently, in cases of suicide, a weapon may be found at some distance from the body, or even be concealed.

In a case occurring recently in the writer's experience, where a young girl had cut her throat with a razor, severing the trachea and both jugular veins, and then walked a short distance into an adjoining room, and there fallen down and died, the razor with

which the deed was perpetrated was found closed upon a bureau, before the looking-glass of which the unfortunate girl had evidently stood while inflicting the fatal injury upon herself.

"In another case of suicide occurring in France, in 1836," and mentioned by Taylor, "a man was found dead in his apartment, with the discharged pistol in his pocket. He had shot himself in the abdomen, and death had taken place from hemorrhage. Still, he had had sufficient power to place the pistol in his pocket after inflicting the wound."

The following case from our own experience is also peculiarly illustrative of the conservation of the power of volition after wounds which usually terminate life instantly. "A gentleman, mentally deranged, who had several times threatened to destroy himself and was on that account closely watched, succeeded, unknown to those about him, in procuring a revolver, and during a momentary absence of his attendant, placed the weapon right over the heart, between the third and fourth ribs, and fired; then dropping the revolver on the floor, he walked a distance of some four yards, turned at a right-angle to the left, entered another room, walked half-way across, lay down on a lounge and died instantly. Being seen to do this by the attendant who entered the room as the shot was fired, and who, upon asking his master what he had done, received for answer the word, "Nothing." Unfortunately, in this case permission could not be obtained to make an autopsy, the privilege of making the same being waived by the coroner.

Again, in other instances in cases of suicide, the weapon will be found firmly grasped by the hand of the corpse; and this occurrence is strongly presumptive of suicide, as the cadaveric spasm to which this is due cannot be simulated by placing a weapon in the relaxed hands of a corpse, even if it be done before the setting in of cadaveric rigidity.

When, however, the weapon cannot be discovered, or is found concealed at a distance, a suspicion of homicide will often turn out to be well founded, and it is not always that the weapon with which a wound has been made or a crime committed is covered with blood. Frequently—in the case of stabs—no stain will be perceptible upon the blade of a knife, as in being withdrawn from the wound it may have been wiped clean by the edges of the wound in the skin or on the clothes.

It should also be remembered that suicidal wounds may often be found in unusual situations,—that injuries may be inflicted by the left hand as well as by the right hand,—and that much information may be gathered as well from the nature of the lesion as from its situation and extent; while to discriminate between accidental and homicidal injuries, and to determine whether several weapons have been used, or whether one or more mortal wounds have been inflicted, or whether the injuries have been produced simultaneously or at different times, the coroner or magistrate investigating the case had best seek the counsel and advice of his medical examiner.

The presence or absence of traces of a struggle upon the ground or near the victim, may occasionally be of great value, and any signs of such an occurrence should be accurately noted by a coroner; and where foot-prints are left on the ground in the vicinity, copies of their impression may be taken and preserved for the future identification of persons implicated in the commission of the crime, though two such eminent authorities on the subject as Mascar (of Belgium) and Caussé (d'Albi) differ as to the value which is to be attached to such impressions, when considered as circumstantial evidence. The former holding that the opinion popularly prevalent, that the impression of the foot in the ground always corresponds exactly with the foot making it, is not by any means correctly founded; for while instances may occur where the foot-print may be even larger than the foot itself, from the peculiar shape of the foot-covering or from the depth to which the foot has sunk in the soil,—thinks that, as a general rule, it will be found that the impression in the earth is smaller than the foot which made it. Caussé, on the contrary, while agreeing with Mascar as to the fallacy of the common opinion, insists that the impression in the earth is usually larger than the foot producing it.

While either one of these learned gentlemen may be right and the other wrong, we fail to see that their contradictory observations can exert any weakening influence upon the value of foot-prints as a means for the identification of persons accused of a crime, as the chief points upon which a resemblance between foot-marks could be adduced would lie not only in the general conformation of the foot but in some peculiarly characteristic markings left by the sole of the shoe, boot, slipper, or even foot itself. Mere similarity in length and breadth could hardly be considered as

establishing sufficient identity—unless other points coincided—to warrant the apprehension, detention or conviction of an individual accused of so serious a crime as murder.

Various substances—such as plaster or wax—have been in use in different countries for the purposes of obtaining and preserving either impressions of the foot-prints or the original imprint itself for production as evidence. But of all the methods as yet suggested, the two offered by M. Hugoulin, in two excellent papers in the *Annales d'Hygiène Publique*, with an abstract of the principal points of which we will conclude this portion of our work.

In his first paper, entitled the "Solidification of Foot-prints on the Most Unstable Soils, in Criminal Cases,"* M. Hugoulin states that, when a crime has been committed and the authorities hope to obtain some proof from the foot-prints, or other traces, the first duty of the police is to cover the most distinct traces with a box or barrel, turned bottom upward, so as to preserve them from all alteration from any inclemencies of the season, and when left alone their watching should be entrusted to some proper person until the arrival of the magistrates or experts.

A screen should be placed to windward before removing the apparatus covering the traces which it is desired to solidify; and to perform that operation a sufficient quantity of stearic acid will be requisite, as also a large sheet of thin cast iron—the surface of which shall be slightly larger than the imprint to be solidified,—and is to be pierced with a few holes so as to permit the passage of a draught. This sheet of iron is to be placed on a wire gridiron, carefully arranged over the imprint in such a manner that its bars shall be at a distance of three or four centimetres from the ground. Upon the iron sheet so disposed red-hot coals are to be placed, and upon the iron reddening the imprint will heat by radiation. When the impression in the ground shall have reached a temperature of about 100° Centigrade (212° Fahrenheit), a small quantity of the pulverized stearic acid is to be placed in a horse-hair sieve and then dusted over the surface of the imprint, upon which it falls in a snow-like dust of so slight a weight that the trace, in spite of its fugitiveness, runs no risk of being altered. As soon as it touches the heated earth, this powder melts and disappears, absorbed by the soil, and a sufficient amount of it is applied until the ground is so cooled off that the acid no longer melts. Any excess

* *Annales d'Hygiène Publique, Vol.* 44, *p.* 429.

of acid may be removed by passing over the imprint the heated iron sheet.

The operation of fixing the imprints is then terminated, and the ground is allowed to cool entirely, the time for which process will vary according to the prevailing temperature and the condition of the earth. Then the imprint can be dug out and cautiously diminished by paring it with a knife, so as to leave as small a volume as possible. It is then reversed and disposed on a piece of linen folded to several thicknesses, the borders of which are to be slightly elevated by pieces of wood or stone, so as to form a mould, the bottom of which shall be the bottom of the imprint, and in this mould, as a lining, a few inches of a thin plaster are to be run. When the plaster shall have solidified, the imprint will be found to be sufficiently firm to be handled, when it may be packed in cotton and preserved for future use.

If the imprint was in mud or in a marshy or moist ground, before operating as described it will be found necessary to cautiously dig a circular ditch of some depth around the imprint, and to fill it with dry plaster. In solidifying, the plaster will absorb a large quantity of the water out of the ground. The imprint may then be dug out and transported out of reach of the sun's rays, in order that it may dry without cracking, and allowed to dry for a few days in the open air;—after which the plaster cast may be taken more conveniently at home than in the open air.

M. Hugoulin declares his *procédé* to be applicable to all kinds of imprints except those in the snow; for the reproduction of which, in a second paper, he proposes the following method, consisting in making a solution of gelatine, which is allowed to cool until it retains only the heat necessary to its fluidity, when it is to be carefully poured into the imprint—at first only sufficient to cover the impression with a thin coating, to which more gelatine may be added if it is desired to make the imprint firmer. The gelatine solidifies immediately when it comes in contact with the surface of the snow, and its upper portion soon becomes hard, the caloric which is given off by it not being sufficient to alter the imprint; or, at all events, any alteration which may occur will be insignificant, and will not injure in any way the perfection of the reproduction.

After it has hardened the gelatine negative can be removed and immediately used to make on white plaster an exact reproduction

of the imprint in the snow; or this may be deferred for a few hours, as in cold weather gelatine will retain its exact dimensions without either drying or retracting. To reproduce the imprint the gelatine negative is reversed upon linen folded to several thicknesses, the borders of which are to be raised by means of wooden rollers or pieces of stone; and having oiled the surface of the gelatine lightly with a brush, finely ground plaster—mixed with sufficient water to form a liquid mass—is poured over the whole surface of the imprint, so as to form a thin coating on it, and when it has solidified more plaster is added, so as to give sufficient solidity to the reproduction. When the plaster cast has attained the consistence desired, it is easily separated from the gelatine, and, if necessary, other casts may be taken from it in the same manner. The casts should be shaped with a knife and carefully packed in cotton for subsequent use. They will be found to permit the certain and absolute recognition of the object which produced the original imprint in the snow, of which the plaster cast will be the exact reproduction.

Should the imprint about to be reproduced be in a thin layer of snow, or the ground be soft or stony, it will be noticed that the posterior portion of it will not be perfectly distinct. Nevertheless, the entire imprint should be reproduced, and, in order that fragments of stone or sand shall not interfere with the operation, those portions of the imprint which are not in the snow must be carefully coated with a little oil, applied either with a pencil or a feather.

It should be borne in mind, that as—when dry—the gelatine facsimile contracts and loses its shape, the plaster cast had best always be taken from it not later than two hours after the solidification of the gelatine.

LAWS

OF THE

CORONERS OF THE STATES.

PART II.

PART II.

ALABAMA.

How elected and term of office.—A coroner for each county is elected by the qualified electors thereof, who holds his office for four years and until his successor is elected and qualified.

His bond—oath—failure to give bond vacates his office.—The coroner must give bond in the sum of two thousand dollars, payable and conditioned according to the provisions of section 163 (157), which bond is to be approved by the judge of probate, and must be filed in his office; and he must also take the oath prescribed by the constitution. If he fails to give bond within ten days after his appointment, he vacates his office.

Duty to hold inquests.—It is the general duty of the coroner to hold inquests and perform other duties as required by law.

When to discharge duties of jailer.—The coroner is keeper of the jail when the sheriff is imprisoned.

When to discharge duties of sheriff.—He must discharge the duties of sheriff—

1. When the office of sheriff is vacant and until his successor is qualified.
2. When the sheriff is imprisoned.
3. In cases to which the sheriff is a party.
4. In such cases as he is directed by the judge of probate.

When sheriff interested coroner acts.—When the sheriff is interested in any cause or proceeding, such interest not appearing on the face thereof, the judge of probate may, on a proper showing by affidavit, direct the coroner to execute the summons, writ or other process in such cause or proceeding.

Special coroner—when and by whom appointed.—The judge of probate has authority to appoint a special coroner—

1. When the coroner has not qualified or the office is vacant and the emergency requires such officer.
2. When the coroner is absent from the county, having no deputy therein.
3. When the coroner is imprisoned.

4. When the sheriff and coroner are both parties or both interested.

Duties of special coroner.—A special coroner must discharge the duties of sheriff in such cases as the coroner is required, and also when the sheriff and coroner are imprisoned, and in the direction of the judge of probate, when they are both parties or both interested.

Additional bond, or failure to give vacates office—judge of probate must report to next term, or may order a special term of court of county commissioners.—When the coroner is required to discharge the duties of sheriff, the judge of probate may, in his discretion, require him to give an additional bond. If the coroner fails for ten days after such requisition to give such additional bond, his office is vacated, and the judge of probate must give notice thereof to the court of county commissioners, at the first term thereafter, or may direct a special term of such court, under the provisions of section 741 (830).

Liability of coroner for neglect of duty.—For the failure to perform any duty, or the improper or neglectful performance of such duty, or for any wrongful act committed under color of office by the coroner or the special coroner, while discharging the duties of sheriff, such coroner and his sureties, and such special coroner, are liable to the same penalties, forfeitures and judgments given by law against sheriffs in the like cases, to and upon the same proceedings and remedies as are given by law against sheriffs and their sureties.

FEES.

Mileage, ...	5 cents for each mile.
For holding inquest, ...	$5.00.
For summoning a jury on inquest, ...	2.00.
For each subpœna, ...	25 cents.
For each warrant of arrest, ...	50 cents.
For each bond or undertaking returned to court, .	50 cents.

For money paid into the county treasury, when found on the body of a deceased person, five per cent. if less than five hundred dollars; two and one-half per cent. if over that amount; for all other services performed by him, in cases authorized by law, the same fees that are allowed to sheriffs for similar services.

NOTE.—The "Code" of this State does not provide any of the usual "Forms" as required by most of the States. Those "Forms" which are in general use are printed at the end of the "Coroner's Law," and will fulfil all conditions required by any coroner.

ARKANSAS.

1. The qualified voters of each county shall, at the time of electing members of the General Assembly, elect a coroner, who shall hold his office for the term of two years, and until his successor is elected and qualified.

2. Every coroner shall, within twenty days after he receives his commission, enter into bond to the State of Arkansas in a sum not less than five thousand dollars, with good and sufficient security, to be approved by the board of supervisors, conditioned for the faithful discharge of his duties, which bond shall be filed and recorded in the recorder's office.

3. If he shall fail to give such bond within the time prescribed in the preceding section, the office shall be deemed vacant, and the county clerk shall immediately notify the governor thereof.

4. He shall be a conservator of the peace, and shall cause all offenders against the law, in his view, to enter into recognizance, with security, to keep the peace and to appear at the next term of the circuit court of the county.

5. He shall quell and suppress all riots, affrays and assaults and batteries, and he shall apprehend and commit to jail all felons and traitors.

6. Every recognizance taken by a coroner shall be returned to the clerk of the circuit court of his county, on or before the first day of the next term after taking the same.

7. The coroner shall execute and return all process, of whatever nature the same may be, where the sheriff is a party, and in all cases where just exceptions can be taken to the sheriff or his deputy, or where there is no sheriff.

8. In all cases—upon affidavit filed with the clerk of the circuit court, or any other court of record—of the partiality, prejudice or consanguinity of the sheriff or deputy sheriff of any county where suit is brought or to be brought or shall have been commenced, the clerk shall issue and direct the original or other process in the suit to the coroner, who shall execute the same and attend to the suit throughout, in the same manner as the sheriff should do in like cases.

9. If any person die in prison, or if any person be slain or die an unnatural death, except by the sentence of the law, or if the dead body of any person be found, and the circumstances of the

death be unknown, information shall be immediately given to the coroner of the county.

10. The coroner, on the receipt of any such information, shall summon, without delay, not less than twelve nor more than twenty-three persons of his county, qualified to serve as jurors, to appear at the place where the body lies; and if twelve do not appear, he shall summon others until that number do appear.

11. When the requisite number of jurors appear, the coroner shall administer the following oath: "You do solemnly swear that you will diligently inquire into the time, cause and circumstances of the death of the person whose body lies before you, and that you will thereupon make presentment of the truth, the whole truth, and nothing but the truth, that shall come to your knowledge: So help you God."

12. After the coroner and jurors shall have viewed the body, they shall proceed to inquire into the cause, manner and circumstances of the death.

13. The coroner shall cause to come before the jurors all suspected persons who can be taken, and all proper witnesses, and all proper means shall be used to ascertain the truth.

14. All suspected persons may be examined and their voluntary declarations taken, without threats or promises, and reduced to writing, and read to the respective persons examined, and be signed by them, if willing.

15. The testimony of each witness, if material, shall be reduced to writing, and read to and signed by the witness.

16. Such examinations and testimony shall be certified and signed by the coroner; and in case of the death of a witness, his deposition shall be evidence on the trial of any person present at his examination.

17. At least twelve of the jurors shall agree to the inquisition.

18. Such inquisition may be made according to the following form:—

"STATE OF ARKANSAS,
County of ——

"An inquisition taken the —— day of ——, 18—, at ——, in said county of ——, before ——, coroner of said county, upon the view of the dead body of (here insert the name of the deceased, if known, or, if unknown, a description of the person, by his apparent age, size,

clothes, &c., &c.), by the oaths of (here insert the jurors' names), good and lawful jurors of said county, who being in due form sworn, say that the said —— came to his death (here insert the time, cause, manner and circumstances of death as found).

"In testimony whereof, as well the said coroner as the said jurors have hereunto set their hands, the day and year first aforesaid."

19. The coroner shall have power to summon witnesses, and, in case of their neglect to appear pursuant to the summons, to arrest them and compel their attendance. He may also issue subpœnas for, and attachments for contempt against, witnesses, directed to the constable of any township in the county.

20. It shall be the duty of the coroner, on probable cause, supported by oath, that a person has committed murder or manslaughter, to arrest such person and safely keep him for examination.

21. If it be found by any inquisition that the death of the deceased was caused by the act, abetment, procurement or command or counsel of any person, such person shall not be bailable by the coroner, unless it appear by the inquisition that it was a case of excusable homicide or of manslaughter.

22. It shall be the duty of the coroner to apprehend any such person, if not under arrest, unless it appears by the inquisition to be a case of excusable homicide; and, if necessary, he shall issue his warrant, under his hand, directed to any constable of the county, grounded on such inquisition, for the apprehension of any person accused therein.

23. Such warrant may be in the following form:—

"State of Arkansas,

County of ——

"The State of Arkansas to the constable of any township in said county ——

"It having been found by an inquisition taken the —— day of —— 18—, before ——, coroner of the county aforesaid, upon view of the body of ——, that the said —— came to his death (here set forth the time, cause, manner and circumstances as in the inquisition):

"You are therefore commanded to take the before named —— wheresoever he may be found, and bring —— before the said coroner, to be dealt with according to law.

"Witness the hand of said coroner the —— day of ——, 18—.

—— —— Coroner."

24. A person arrested under such warrant, desiring to give bail, shall, upon his request, be taken before some person authorized to take bail in the county in which he was arrested, to be bailed, if the case is bailable.

25. The coroner shall have power to commit any person for trial who may have been arrested by him, or who may be brought before him by virtue of any warrant issued by him.

26. Such commitment shall be by warrant, under his hand, and may be according to the following form:—

"STATE OF ARKANSAS,

County of ——

"It having been found by (proceed as in the foregoing warrant to the words 'You are therefore commanded,' and then proceed). We herewith send to you the before named ——, and command you to receive him and safely keep him for trial, or until he shall be discharged according to law.

"Witness the hand of said coroner the —— day of ——, 18—."

27. The coroner shall have authority to take recognizance of bail; and he shall admit to bail any person who may be brought before him, or who may be in his custody, who is charged with a bailable offense and offers sufficient bail, which may be taken in the following form:—

"Be it known, That on the ——, one thousand eight hundred and ——, before ——, coroner of the county aforesaid, came ——, of ——, in their proper persons, and acknowledged themselves to be jointly and severally bound to the State of Arkansas in the sum of —— dollars, to be paid to the State, and agreed that the said sum be levied of their goods and chattels, lands and tenements, respectively, for the use of the State, upon condition that, if the said —— shall appear before the next circuit court which shall be held in and for the county of ——, in the State aforesaid, to answer to all things that shall be objected against him, and shall depart the said court without leave, then the above recognizance shall be void."

28. Such recognizance shall be signed by the recognizors and be attested by the coroner.

29. The coroner shall require each witness who may have been examined before any inquest, whose testimony he may deem material, to enter into recognizance to the State to appear at the proper court and give evidence.

30. An entry in the following form shall be a sufficient recognizance:—

"I am bound in recognizance to the State of Arkansas, in the sum of —— dollars, to appear at the next term of the circuit court in and for the county of ——, to give evidence on behalf of the State against ——.

"Dated the —— day of —— (which shall be signed by the witness and attested by the coroner)."

31. Such recognizance shall be conclusive evidence to support an action, and any number of witnesses may sign the same; and it shall be conclusive evidence each as a separate recognizance.

32. The coroner may require a witness to find security in his recognizance, and on his failure may commit him.

33. The coroner shall deliver every inquisition, with all the examinations, depositions and recognizances concerning the case, to the clerk of the circuit court of his county, on or before the first day of the term of the court after taking the same, who shall immediately lay the same before the prosecuting attorney

34. If any person summoned by any coroner to appear for the purpose of being impanelled in any inquest aforesaid, shall fail to appear or refuse to serve, such coroner shall have power to issue an attachment for contempt against him, directed to any constable of the county; and the coroner may order such person to pay the costs of the attachment and a fine not exceeding ten dollars, and may enforce obedience to such an order by imprisonment.

35. If a body on which an inquisition ought to be held be buried without an inquisition, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars.

36. In case of the absence of the coroner, or if he reside more than twenty miles from the place where any person may be found dead, as described in this act, the inquisition may be taken by the nearest justice of the peace, who shall have full power and authority to do and perform all things required of a coroner.

CALIFORNIA.

1. *Coroner to summon jury to inquire into cause of death in certain cases.*—When a coroner is informed that a person has been

killed or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place where the body is, cause it to be exhumed, if it has been interred, and summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, at the place where the body of the deceased is, to inquire into the cause of death.

2. *Jurors to be sworn.*—When six or more of the jurors attend, they must be sworn by the coroner to inquire who the person was, and when and by what means he came to his death, and to render a true verdict thereon, according to the evidence offered them or arising from the inspection of the body.

3. *Witnesses to be summoned.*—Coroners may issue subpœnas for witnesses, returnable forthwith or at such time and place as they may appoint, which may be served by any competent person. They must summon and examine as witnesses every person who, in their opinion or that of any of the jury, has any knowledge of the facts, and may summon a surgeon or physician to inspect the body and give a professional opinion as to the cause of death.

4. *Witnesses compelled to attend.*—A witness served with a subpœna may be compelled to attend and testify, or be punished by the coroner for disobedience, in like manner as upon a subpœna issued by a justice of the peace.

5. *Verdict of jury in writing—what to contain.*—After inspecting the body and hearing the testimony, the jury must render their verdict and certify the same by an inquisition in writing, signed by them, and setting forth who the person killed is, and when, where and by what means he came to his death; and if he was killed or his death occasioned by another by criminal means, who is guilty thereof.

6. *Testimony in writing and where filed.*—The testimony of the witnesses examined before the coroner's jury must be reduced to writing by the coroner, or under his direction, and forthwith filed by him, with the inquisition, in the office of the clerk of the county court of the county.

7. *Exception.*—If, however, the person charged with the commission of the offence is arrested before the examination can be filed, the coroner must deliver the same, with the testimony taken, to the magistrate before whom such person may be brought, who

must return the same, with the depositions and statements taken before him, to the office of the clerk of the county court of the county.

8. *Coroner to issue warrant—when.*—If the jury find that the person was killed by another, under circumstances not excusable or justifiable by law, or that his death was occasioned by the act of another by criminal means, and the party committing the act is ascertained by the inquisition and is not in custody, the coroner must issue a warrant, signed by him, with his name of office, into one or more counties, as may be necessary for the arrest of the person charged.

9. *Form of warrant.*—The coroner's warrant must be substantially in the following form:—

"*County of* ——

"The people of the State of California to any sheriff, constable, marshal or policeman in this State:—

"An inquisition having this day found by a coroner's jury before me, stating that A. B. has come to his death by the act of C. D. by criminal means (or, as the case be, as found by the inquisition): You are therefore commanded forthwith to arrest the above mentioned C. D., and take him before the nearest or most accessible magistrate in this county.

"Given under my hand this —— day of ——, A. D. eighteen ——.

E. F.,

Coroner of the County of ——."

10. *How served.*—The coroner's warrant may be served in any county, and the officer serving it must proceed thereon in all respects as upon a warrant of arrest on an information before a magistrate, except that when served in another county it need not be endorsed by a magistrate of the county.

COLORADO.

1. A coroner shall be elected in each county for the term of two years, who shall, before he enters upon the duties of his office, give bond to the people of the State of Colorado in such penal sum, not less than two hundred and fifty nor more than five thousand dollars, with such sufficient sureties, to be approved by the board of county commissioners, or, if such board be not in session, by the county clerk, subject to the approval of such board, the condition

of which bond shall be in substance the same as that given by the sheriff, such bond to be filed with the clerk of the proper county.

2. When there shall be no sheriff in any organized county, it shall be the duty of the coroner to exercise all the powers and duties of the sheriff of his county until a sheriff be appointed or elected and qualified; and when the sheriff, from any cause, shall be committed to the jail of his county, the coroner shall be keeper thereof during the time the sheriff shall remain prisoner therein.

3. Every coroner shall serve and execute process of every kind and perform all other duties of the sheriff when the sheriff shall be a party to the case, or where affidavit shall be made and filed, as provided in the succeeding section; and in all such cases he shall exercise the powers and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

4. Whenever any party, his agent or attorney, shall make and file with the clerk of the proper court an affidavit stating that he believes that the sheriff of such county will not, by reason of either partiality, prejudice, consanguinity or interest, faithfully perform his duties in any suit commenced or about to be commenced in said court, the clerk shall direct the original or other process in such suit to the coroner, who shall execute the same in like manner as the sheriff might or ought to have done.

5. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died within his county by unlawful means, or the cause of whose death is unknown. When he has notice of the dead body of any person supposed to have died by unlawful means, or the cause of whose death is unknown, and found or being in the county, it shall be his duty to summon forthwith six citizens of the county to appear before him at a time and place named.

6. If any juror fails to appear, the coroner shall summon the proper number from the by-standers immediately, and proceed to impanel them, and administer the following oath in substance:—

"You do solemnly swear (or affirm) that you will diligently inquire, and true presentment make, when, how, by what means the person whose body lies here dead came to his death, according to your knowledge and the evidence given you: So help you God."

7. The coroner may issue subpœnas, within his county, for witnesses, returnable forthwith or at such time and place as he shall therein direct; and witnesses shall be allowed the same fees as in

cases before a justice of the peace; and the coroner shall have the same authority to enforce the attendance of witnesses, and to punish them and jurors for contempt in disobeying his process, as a justice of the peace has, when his process issues in behalf of the State.

8. An oath shall be administered to the witness in attendance, as follows:—

"You do solemnly swear that the testimony which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God."

9. The testimony shall be reduced under the coroner's order, and subscribed by the witness.

10. The jurors having inspected the body, heard the testimony and made all needful inquiries, shall return to the coroner their inquisition in writing, under their hands, in substance as follows, stating the matter, in the following form, suggested as far as found:—

"STATE OF COLORADO,

—— *County.*

"An inquisition holden at ——, in —— county, on the —— day of ——, A. D. 18—, before ——, coroner of said county, upon the dead body of ——, or person unknown, lying there dead, by the jurors whose names are hereto subscribed, the said jurors, upon their oaths, do say —— (here state when, how, by what persons, means, weapon or accident he or she came to his or her death, and whether feloniously).

"In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid."

11. If the inquisition find a crime has been committed on the deceased, and name the person whom the jury believe has committed it, the inquest shall not be made public until after the arrest directed in the next section.

12. If the person charged be present, the coroner may order his arrest by an officer or any person, and shall then make a warrant requiring the officer or other person to take him before a justice of the peace.

13. The warrant of a coroner in the above cases shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice, he shall be dealt with as a person held under a complaint in the usual form.

14. The warrant of the coroner shall recite substantially the transactions before him, and the verdict of the jury of inquest leading to the arrest; and such warrant shall be a sufficient foundation for the proceeding of the justice, instead of a complaint.

15. The coroner shall then return to the district court the inquisition, the written evidence and a list of the witnesses who testify material matter.

16. The coroner shall cause the body of a deceased which he is called to view, to be delivered to his friends, if there be any; but if not, he shall cause him to be decently buried and the expenses to be paid from any property found with the body; or, if there be none, from the county treasury, by certifying an account of the expenses; which being presented to the board of county commissioners, shall be allowed by them, if deemed reasonable, and paid as other claims on the county.

17. When there is no coroner, or in case of his absence or inability to act, any justice of the peace of the same county is authorized to perform the duties of coroner in relation to dead bodies.

18. In the inquisition by a coroner, where a jury shall deem it requisite, he may summon one or more physicians or surgeons to make scientific examination, and may allow in such cases a reasonable compensation, subject to the confirmation of the board of county commissioners.

FEES.

Coroners shall be allowed eight dollars for each inquest, and fifteen cents per mile for each mile necessarily traveled in going to and returning from the place of inquest, to be paid by the county. For all services performed in the place of the sheriff, the same fees as are allowed to the sheriff for his services.

CONNECTICUT.

1. *Coroner's inquests.*—When any person shall come to a sudden or unnatural death, or be found dead, the manner of whose death is not known, any justice of the peace shall, by warrant, forthwith cause a jury of twelve judicious men to be summoned, who shall be sworn by such officer to inquire of the cause and manner of such death, and shall present, on oath, a true verdict thereof, under their hands, to some justice of the peace, who shall return it to the

next superior court in the county; and no fees shall be allowed for any of said services.

2. Any officer who shall unnecessarily neglect or fail to execute such warrant, and any person summoned as a juror who shall fail to appear and serve, without reasonable excuse therefor, shall forfeit five dollars to the town; and the officer serving said warrant shall remain in attendance upon said justice and jury so long as he shall be required so to do.

3. The attendance of witnesses may be enforced by subpœna and *capias* issued by the justice of the peace holding any such inquest, and their testimony taken in the same manner as on the trial of a criminal prosecution before a justice of the peace.

4. In New Haven—and any other town which shall vote so to regulate inquests therein—a jury of six men only shall be summoned, and the proceedings shall otherwise be as provided in the preceding sections, except that fees shall be paid as provided in Chapter XXIII. of Title XIII.

5. Upon coroner's inquests where the jury consists of six, there shall be paid to the justice of the peace, for warrants or *capias*, fifty cents; for each day's hearing before jury, one dollar; to officers for summoning jury, seventy-five cents; for each day's attendance, fifty cents; for service of other process, the same fees as allowed for service of criminal process; to jurors, one dollar a day;—and such fees shall be taxed by said justice, who may draw on the town treasurer for the amount thereof in the same manner as for payment of costs in criminal cases.

DELAWARE.

1. If any person die in prison, or be slain, or if the dead body of a person be found, and the circumstances of the death be unknown, the coroner of the county shall, without delay, summon not less than twelve nor more than twenty-three judicious men of his county to appear at an appointed hour at the place where the body is, and shall impanel not less than twelve of them in an inquest; and administer to each an oath of affirmation, thus:—

"You do solemnly swear (or affirm) that you will diligently inquire into the time, cause, manner and circumstances of the death of the person whose body lies before you, and will make present-

ment of the truth as it shall come to your knowledge: So help you God (or, so you affirm)."

2. The coroner and inquest, after viewing the body, and having made due investigation, shall make report in writing, in which twelve at least of the jury must concur. It may be in this form:—

"—— *County, ss:*

"An inquisition taken this —— day of ——, A. D. 18—, at ——, before ——, coroner of said county, upon view of the dead body of —— (insert the name or description), by the oaths and affirmations of ——, lawful men of said county, who being in due manner sworn or affirmed, say that the said —— came to his death (insert the time, cause, manner and circumstances).

"In testimony whereof, the said coroners and jurors have hereunto set their hands and seals."

3. The coroner shall have authority to summon witnesses and to compel their attendance. He may also issue subpœnas for, and attachment for contempt against, witnesses, directed to any of the constables of the county.

4. He shall cause to come before the inquest all suspected persons who can be taken, and all proper witnesses and all proper means shall be used for ascertaining the truth.

5. Suspected persons shall be examined, their voluntary declarations being taken, without threats or promises, and reduced to writing, and read to and signed by them, if willing.

6. The testimony of each witness, if material, shall be reduced to writing, read to and signed by the witnesses. The examinations and depositions shall be certified and signed by the coroner, and in case of the death of a witness, his deposition shall be evidence on the trial of any person present at his examination.

7. It shall be the duty of the coroner, on probable cause, supported by oath, to believe that a person has committed murder or manslaughter, to arrest such person and safely keep him for examination.

8. If it be found by the inquest that the death was caused by the act, abetment, procurement, command or counsel of any person, the coroner shall arrest such person, unless it appear by the inquisition to be a case of excusable homicide; and such person shall not be bailed by the coroner, nor by a justice of the peace, unless it appear by the inquisition that it was a case of excusable homi-

cide or of manslaughter. If necessary, he shall issue his warrant for such arrest, as follows:—

"—— *County, ss:*

"The State of Delaware to any constable of either of our counties: It having been found by an inquisition taken the —— day of ——, A. D. 18—, before ——, our coroner of the county aforesaid, upon the view of the dead body of ——, that the said —— came to his death (set forth as found by the inquisition): We do therefore command you to take the before named —— wherever he may be found, and bring him before our said coroner, to be dealt with according to law.

"Witness the hand and seal of the said coroner the —— day of ——, A. D. ——."

9. A person arrested by such warrant, desiring to give bail, shall, upon his request, be carried before any judge of the State in the county where he is arrested, for the determination of the question of bail.

10. The coroner shall have power to commit any person for trial, by warrant under his hand and seal. It may be according to this form:—

"—— *County, ss:*

"The State of Delaware to the sheriff of said county: It having been found by (proceed as in section 6 to the words 'we do therefore'): We do therefore herewith send to you the said ——, and command you to receive and safely keep him for trial, or until he shall be lawfully discharged.

"Witness the hand and seal of the said coroner the —— day of ——, A. D. 18—."

11. The coroner shall admit to bail any person who is bailable and offers sufficient bail. He may take the recognizance in the following form. It shall be signed by the recognizors, and also by the coroner:—

"—— *County, ss:*

"Be it remembered, that on the —— day of ——, A. D. 18—, before ——, coroner of said county, came ——, of ——, in their proper person, and acknowledged themselves to be jointly and severally bound to the State of Delaware, in the sum of —— dollars, to be paid to the said State, and levied of their goods and chattels, lands and tenements, respectively, for the use of said

State; upon condition that if the said —— shall appear before the next court of general sessions of the peace and jail delivery which shall be held in and for —— county aforesaid, to answer to all matters and things that shall be objected against him, and shall not depart the said court without leave, then this recognizance shall be void."

12. The coroner shall require each witness, whose testimony he deems material, to enter into recognizance to appear at court and give evidence. Such recognizance shall be taken without surety, unless the coroner believes that the witness will not appear according to his recognizance, and that the loss of his testimony ought not to be risked; in which case, he may require the witness to give security for his appearance, and upon his default commit him. An entry in these words:—

"I am bound in recognizance to the State of Delaware, in the sum of —— dollars, to appear at the next court of general sessions of the peace and jail delivery in —— county, to give evidence on behalf of the State against ——.

"Dated the —— day of ——, A. D. 18—."

Signed by the witness and attested by the coroner, shall be a sufficient recognizance, and shall be conclusive evidence to support a *scire facias*, or declaration, as upon a recognizance in due form. Any number of witnesses may sign the same entry, and it shall be conclusive against each. The recognizance of a witness with surety may be in like form as the recognizance of bail in section 9, substituting the words "to give evidence on behalf of the State" for the words "to answer to all matters and things that shall be objected against him."

13. The coroner shall forthwith deliver every inquisition, with all the examinations, depositions and recognizances, to the attorney-general.

14. If any person summoned on an inquest as a juror shall fail to appear or refuse to serve, the coroner may issue an attachment for contempt against him, directed to any constable of the county; may order him to pay a fine of ten dollars, and enforce the payment by imprisonment.

15. If a body, on which an inquest ought to be held, be buried, the coroner may, on the written recommendation of a justice of the peace, cause the body to be disinterred, to hold an inquest thereon.

Such recommendation shall not be given unless there be reasonable cause to suspect the death was caused by criminal means.

16. If any person shall cause a body, on which an inquest ought to be held, to be buried without notice to the coroner, he shall (unless a justice of the peace shall have certified, in writing, that there was no necessity for an inquest) be guilty of misdemeanor, and shall be fined not less than ten nor more than one hundred dollars.

17. If there be no coroner, or if he be absent from the county or unable to act, the justice of the peace for the county residing nearest to the place where the body is, shall in such case perform the office of coroner, and shall have all a coroner's authority.

18. The coroner shall execute the office of sheriff of the same county in every case in which there is a legal exception to the sheriff, and also in case the said office is vacant. In such cases, powers shall be issued to the coroner; and he shall have all the powers and be liable to all the duties of sheriff of his county. If process be directed to him during a vacancy in the office of sheriff, his power in respect to such process shall not cease on said office being filled

19. The coroners of the respective counties are required, as often as there may be occasion, to regulate and behave themselves in summoning juries and in performing all other duties—when the sheriff cannot legally summon said juries or perform such duties—in the same manner as sheriffs are by law empowered and required, and under the same penalties for neglect, default or commission; and generally to do and execute all other matters and things which to their offices belong by the common law or by any act of assembly, and under the penalties inflicted thereby.

20. It shall be the duty of the coroner, in case the office of sheriff be vacant, to observe and execute sentences of death.

FEES.

For viewing the body in case of inquisition of death, . $2.00.
Summoning each witness, ...50.
Taking and returning depositions, each . . . . .50.
Taking and certifying a recognizance, whether of one or more recognizors, ...20.
Summoning and qualifying inquest, and drawing and returning inquisition, ... 4.00.

Mileage, two cents per mile necessarily traveled out and in from the coroner's abode to the place where the body is found.

Arresting any person whom, according to the inquisition found, or otherwise, it may be his duty to arrest, . . . 1.00.

With mileage as aforesaid from the court-house to the place of arrest, and additionally for any extra distance necessarily traveled in making more than one arrest.

The foregoing fees shall be paid by the county, except that, upon a conviction of murder or manslaughter, they shall be levied as part of costs.

Serving process or other service, in place of the sheriff, the same fees are allowed to him for like services.

PASSED 1879.

1. That from and after the passage of this act, the coroner in and for New Castle county shall receive an annual salary of eight hundred dollars, payable in quarterly instalments of two hundred dollars each, by the county treasurer, in lieu of all fees and perquisites now appertaining to said office; except when the said coroner shall perform the duties of sheriff, when he shall receive the same fees as now by law in such cases are made and provided.

2. When it shall be necessary for the said coroner to hold an inquest as is provided in chapter 33 of the Revised Statues of the State of Delaware, as published in 1874, he shall summon not less than six of them as a jury of inquest; and six of the jury so summoned and impanelled must concur in writing, as in said chapter 33 is provided and set forth.

3. In any case within the jurisdiction of the coroner, where it shall be incumbent on the county to bury the person found dead, if the body of the deceased be within the limits of the city of Wilmington, or within a radius of two miles of the New Castle county almshouse, the coroner shall give notice to the superintendent of the said almshouse to furnish a coffin and to bury the person so found deceased.

4. A visiting physician, appointed by the trustees of the poor of New Castle county, shall be the coroner's physician in case of an inquest, and he shall receive for his services an annual salary of two hundred dollars, payable in quarterly instalments of fifty dollars each, by the county treasurer.

5. The said coroner shall send a list of all jurors and witnesses,

in case of an inquest being held, to the levy court of New Castle county, and in case he shall have paid the same their fees as now by law allowed, the levy court shall allow him the amount by him thus expended.

6. All acts and parts of acts contrary to this act, are hereby declared to be null and void.

7. No part of this act shall extend to Kent or Sussex counties, nor shall the provisions of this act extend to the present coroner.

DISTRICT OF COLUMBIA.

1. There shall be a coroner for this District, who, before he enters upon the duties of his office, shall be sworn to the faithful discharge thereof, and shall give bond to the United States, in the sum of five thousand dollars, for the faithful discharge of the duties of his office, with security to be approved by the circuit court.

2. The coroner shall be appointed for the term of four years—subject to removal at any time within such term—by the President of the United States.

3. The coroner shall perform the duties of marshal in all cases where the marshal is a party or interested, and shall be entitled to the same fees as are allowed by law to the marshal for similar service, and shall be subject to the same penalties.

FEES.

4. The coroner shall be entitled to eight dollars for impanelling and swearing a jury, issuing subpœnas for and swearing witnesses, and making and returning an inquisition for the view of a dead body.

NOTE.—The general laws relating to the coroner in the District are to be found in those laws of Maryland relating to the coroner, and which were in operation when Maryland ceded the District to the United States. The cession to the United States was made by Maryland and Virginia, December 19, 1791.

FLORIDA.

1. *Coroner.*—Before entering upon the duties of his office, it shall be the duty of each and every coroner so appointed or elected to give bond and sufficient security in the sum of two thousand

dollars, payable to the State of Florida, to be approved by the said board of county commissioners; and shall also take the oath prescribed by the constitution of this State to be taken by other officers.

2. Every coroner within his county shall be a conservator of the peace, and shall perform like duties and possess like powers in keeping the peace, and in arresting offenders against the laws of the State, and in preventing, quelling and suppressing affrays, breaches of the peace, riots and insurrections which may come to his knowledge, which belong to and are invested in such sheriffs.

3. Coroners shall perform the duties of sheriffs in all cases where the sheriff is interested or otherwise incapacitated from serving; and also in cases of a vacancy by death, resignation or otherwise in the office of sheriff, the coroner shall discharge the duties of such office until a sheriff is appointed or elected and qualified as required by law.

4. All writs and warrants commanding and requiring the arrest of the sheriff of any county shall be served by the coroner or other person to whom the same may be legally directed; and such sheriff shall be committed to the jail of the county of which he is sheriff by the coroner; and such coroner, during the continuance of the imprisonment of such sheriff, shall have the custody of such jail, and of the prisoners therein, and shall discharge the duties of sheriff until such sheriff is legally discharged out of such custody.

5. Every coroner, as soon as he shall be notified of the dead body of any person supposed to have come to his death by violence or casualty, found or lying within his county, shall make out his warrant, directed to a constable of the county, requiring him forthwith to summon a jury of good and lawful men of said district—not less than fifteen in all, so that twelve may be present—to appear before such coroner, at the time and place expressed in his warrant, and to inquire, upon view of the body (naming the person therein, if known, lying dead), how and in what manner and by whom he or she came to his or her death.

6. Every constable to whom such warrant shall be delivered or directed shall forthwith execute the same, and shall repair to the place where the dead body is at the time mentioned, and make return of the warrant, with his proceedings thereon, to the coroner who granted the same.

7. Every constable failing to execute such warrant, or to return

the same as aforesaid, shall forfeit and pay the sum of five dollars; and every person summoned as a juror aforesaid, who shall fail to appear without having a reasonable excuse, shall forfeit any sum not exceeding ten dollars; which fines shall be recovered by action of debt, in the name of the State of Florida, before any justice of the peace in the proper district, and shall be applied to the use of the county in which recovered.

8. The coroner shall administer an oath or affirmation to twelve of the jurors who shall appear—to the foreman first—in the following manner:—

"You do solemnly swear (or affirm, as the case may be) that you will diligently inquire, and true presentment make, how and in what manner and by whom A. B., who here lies dead, came to his death, and you will deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to the best of your knowledge: So help you God."

9. The other jurors shall swear (or affirm, as the case may be) in the following form:—

"Such oath (or affirmation) as your foreman has now taken before you on his part, you and each of you will keep and observe on your respective parts: So help you God."

10. The jurors being sworn, the coroner shall give them a charge, upon their oaths, to declare of the death of the person, whether he or she died of felony or mischance or accident; and if of felony, who were the principals and who were the accessories; with what he or she was struck or wounded; and so of all prevailing circumstances which may come by presumption; and if by mischance or accident, whether by the act of man or whether by hurtful stroke, drowning or otherwise; also, to inquire of the persons who, if any, were present, of the friends of the body, his or her relatives and neighbors; whether he or she was killed in the same place where the body was found, and if elsewhere, by whom the body was brought thence, and all other circumstances relating to said death; if he or she died of his or her own felony, then to inquire the manner, means or instruments, and of all other circumstances concerning such death.

11. The jury being charged shall stand together, and proclamation shall be made for any person who can give evidence to draw near and they shall be heard.

12. Every coroner is further empowered to send his warrant for witnesses, to be served by a constable, commanding them to come before him to be examined and to declare their knowledge concerning the matter in question. Such coroner shall administer an oath or affirmation to them in the following form:—

"You do solemnly swear (or affirm) that the evidence you shall give to the inquest concerning the death of A. B., here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God."

13. The evidence of such witnesses shall be in writing, subscribed by him or her, and if it relate to the trial of any person concerned in the death, the coroner shall fine such witness or witnesses, by recognizances in a reasonable sum, for their personal appearance at the next circuit court, to be holden within the same county, there to give evidence accordingly, and commit to the common jail of said county any witness or witnesses refusing to enter into such recognizances; and he shall return to the same court such inquisition, written evidence and recognizances by him taken.

14. The jury, having viewed the body, heard the evidence and made all the inquiry within their power, shall draw up and deliver to the coroner their verdict upon the death under consideration, in writing, under their hands and seals.

15. It shall also be the duty of the coroner to require the jury impanelled to examine and make a report, signed and sealed by the said jurors and said coroner—which shall be returned with the verdict of said jury—giving a minute and particular description of the person deceased, together with the name of the said deceased, if the same can be ascertained, and the amount of money, property or other valuables found with the dead body of said deceased; which amount of money or other property, if there be no person entitled to take charge of the same, shall be placed in the hands of the treasurer of the county in which the said body may be found, and by him paid over to the person or persons authorized to receive the same, if any such person shall call therefor.

16. It shall be the duty of the treasurer, if the money aforesaid should not be called for within two years from the time of receiving the same, to loan it out at an interest of not less than eight per cent. per annum, to be applied to common schools, equally to be divided among the townships of said county.

17. It shall be the duty of such coroner to publish in some public newspaper printed in or nearest to such county, the description and name of the deceased, if the same can be ascertained, and the amount of money, property or other valuables found in his possession, in cases in which no person entitled thereto shall claim the same.

18. If any coroner shall refuse or fail to pay into the hands of the treasurer of any county the money or other property which came into his hands as aforesaid, it shall be and is hereby made the duty of said treasurer to sue for and collect the same in his own name, before any court having jurisdiction within the county.

19. Upon all inquisitions found before any coroner of the death of any person, by felony or misfortune of another, such coroner shall speedily inform one or more of the justices of the peace of the same county thereof, to the intent that the person killing, or being in any way instrumental in such death, may be apprehended, examined and secured in order for trial.

20. In every case where the coroner shall be absent from the county or unable to attend, it shall be lawful for any justice of the peace of the proper county to hold an inquest over any dead body, which justice shall proceed in all respects as coroners are directed to do by the foregoing provisions, and shall in all cases be governed by the like provisions and subject to the like penalties.

FORMS.

"STATE OF FLORIDA,

County of ——

"In the name of the State of Florida to any constable of said county: Whereas, I have been notified that the dead body of A. B. is lying at (describe the place where the body is found), in said county, and it is supposed that he came to his death by violence or casualty, you are hereby required to forthwith summon a jury of good and lawful men of said county—not less than fifteen in all, so that at least twelve be present—to appear before me immediately, at the place where said body is lying in said county, to inquire, upon a view of the said body, how and in what manner and by whom he came to his death.

"Given under my hand and seal this —— day of ——, 18—.

—— ——, Coroner. [SEAL.]"

Oath of jury—to the foreman first.—"You solemnly swear that

you will diligently inquire, and true presentment make, how and in what manner and by whom A. B., who lies dead, came to his death, and you shall deliver to me, coroner of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to your knowledge: So help you God."

Oath of other jurors.—"You do solemnly swear that such oath as your foreman hath taken, you and each of you shall well and truly observe and keep on your respective parts: So help you God."

Charge to jurors.—"You will, upon your oaths, declare upon the death of A. B., whether he died of felony or mischance or accident; and if of felony, who were principals and who were accessories; with what instrument he was struck or wounded; and so of all provoking circumstances which may come by presumption; and if by mischance or accident, whether by the act of man, and whether by hurt, fall, stroke, drowning or otherwise; also, to inquire of the persons, if any, who were present, the finder of the body, his relations or neighbors; if he was killed in the same place where the body was found; and if elsewhere, by whom and how the body was brought thence; and if he died of his own act, to inquire of the manner, means or instrument, and all the circumstances attending it."

Inquisition for Murder.

"STATE OF FLORIDA,

County of ——

"An inquisition indented and taken for the State of Florida, in the county of ——, on the —— day of ——, A. D. 18—, before me as coroner in and for said county, upon the view of the body of A. B, then and there lying dead, upon the oaths of (here insert the names of the jurors), good and faithful men of said county, who, being sworn and charged to inquire how and in what manner and by whom the said A. B. came to his death, do say, upon their oath aforesaid, that C. D., on the —— day of ——, 18—, in the county aforesaid, in and upon the said A. B., in the peace of God, then and there, being feloniously, wilfully and of his malice aforethought, did make an assault; and that the said C. D., with a certain knife which he then and there had and held, in and upon the said A. B. a mortal wound did inflict, of which said mortal wound the said A. B. died; and that the said C. D., in manner aforesaid, the said A. B. then and there did kill and murder. (If there are accessories, as follows:) And the said jurors do further say, upon their oaths

aforesaid, that G. H. and I. J. were feloniously present at the time of the felony and murder aforesaid, in form aforesaid committed; that is to say, on the said —— day of ——, 18—, in the county aforesaid, then and there comforting, abetting and aiding the said C. D. to do and commit the felony and murder aforesaid.

"In witness whereof, as well the said coroner as the jurors aforesaid, have to this inquisition set their hands and seals on the day and year aforesaid, at the place aforesaid.

—— —— Coroner. [SEAL.]
—— —— Jurors. [SEAL.]"

Warrant to be Issued by the Justice.

"STATE OF FLORIDA,
County of ——

"In the name of the State of Florida to every lawful officer of said county: Whereas, it appears to me, from an inquisition held before the coroner in and for said county, that from the evidence taken in writing before said coroner (here recite the inquest precisely): These are therefore to command you to forthwith arrest the said C. D. (if there are accessories, include them in the warrant), and bring him before me, to be dealt with according to law.

"Given under my hand and seal this —— day of ——, 18—.

—— ——,
Justice of the Peace. [SEAL.]"

21. No proceeding shall be dismissed for want of conformity to the foregoing forms, if said proceeding agrees substantially with the law under which the same is issued.

22. *Pay of jurors.*—From and after the passage of this act, all persons summoned to serve as jurors of inquest or witnesses, at the instance of any coroner in this State, and who shall so serve, shall be entitled to the same compensation as jurors attending the circuit court of this State, the same to be paid out of the State treasury upon the presentation of the certificate of the coroner holding the inquest.

23. In all inquisitions, when it shall be made to appear to the satisfaction of a jury of inquest that a felony has been committed, it shall be the duty of the coroner holding such inquest forthwith, upon the rendition of the verdict, to issue his warrant, to be directed to any lawful officer to execute and return, to apprehend the person or persons suspected of such felony, and bring him or her or them before some justice of the peace, to be dealt with according to law.

24. Whenever a jury of inquest shall deem it necessary to have a physician in attendance to assist them in their examination, it shall be the duty of the coroner to summon such physician; and upon his attendance at said coroner's inquest he shall receive for his services the sum of *twenty dollars*, together with the usual mileage from his residence to the place where such inquest was held. And it is hereby made the duty of said coroner and the foreman of said inquest to give their certificate, stating the same; and upon its presentation to the comptroller of the State, he shall audit the same, to be paid out of the State treasury.

25. An act to provide for the payment of physicians who are summoned to attend coroner's juries, approved January 11, 1855, shall be so amended and construed as that the jury shall not request the coroner to summon a physician to assist them in their examinations until after the jury shall have been impanelled and sworn and made an examination of the body, and then not until they shall have come to the conclusion that it is absolutely necessary to have a physician to assist them in their further examination, when it shall be the duty of the coroner to summon such physician; and no coroner shall summon a physician until he shall be requested as aforesaid; and if any physician shall otherwise attend said inquest, he shall not be paid by the State therefor; and the jury shall state the fact in their verdict, whether or no they requested the attendance of a physician, or whether or no a physician accordingly attended, and the name of the physician, a duplicate of which verdict shall be filed in the clerk's office of the circuit court of the county where the inquest was held.

26. That any sheriff or coroner who shall fail in his duty to execute and return all process to him directed, shall be subject to a penalty of one hundred dollars for each neglect, to be paid to the party aggrieved by order of the court, upon motion and proof that the process was delivered to him twenty days before the sitting of the court to which the same is returnable, unless such sheriff or coroner can show sufficient cause to the court for his failure at the term next succeeding such order; and such sheriff or coroner, for every such neglect of duty to execute and return process delivered to him as aforesaid, shall be further subject to indictment in any court of record, and on conviction shall be fined or imprisoned at the discretion of the court.

27. From and after the passage of this act, each and every justice of the peace shall be *ex-officio* coroners of their respective counties, and shall perform all the duties pertaining to the same.

28. For all services performed as such they shall be entitled to the fees now prescribed by law.

GEORGIA.

1. Coroners are elected, examined, qualified and removed as clerks of the superior courts are, and hold their offices for two years.

2. The ordinances appoint coroners on the same terms and in the same manner that they do county surveyors, which appointments take effect as those of county treasurers.

3. Before entering on the duties of his office, besides the oath required of all civil officers, he must take the following:—

"I swear that I will well and truly serve the State of Georgia in said office, and faithfully and truly execute all writs and precepts to me directed, or which I may lawfully execute, when placed in my charge, and return the same according to the best of my knowledge, skill and judgment; that I will in no case knowingly use or exercise my office illegally, corruptly or unjustly, and that I will not, under any pretence, take, accept or enjoy any fee or reward pertaining to my office other than such as are allowed by law, but that I will, in all things touching the duties of my office, demean myself honestly, fairly and impartially, according to the best of my ability: So help me God."

4. He must likewise, at the same time, give bond and surety in the sum of five hundred dollars, which may be for a greater or less amount, according to the local law which is now or may hereafter be in force. He is liable for returning moneys collected, or otherwise failing to do his duty, as sheriffs are, and is subject to the same proceedings.

5. *Additional bond.*—When a coroner has to act in the place of a sheriff, generally or specially, the Ordinary may require of him an additional bond, in such sum and with such sureties as in his discretion he may think sufficient to meet the contingency.

6. He is keeper of the jail when the sheriff is imprisoned or absent from the county, leaving no deputy.

7. When a sheriff is disqualified, and it does not appear upon the face of the proceedings, or he or his deputy refuses to perform a service, if any person makes affidavit thereof, the clerk of the court from which it issues shall place the process in the hands of the coroner for execution, and may compel its return to his office for such purpose.

8. *Inquests.*—It is the duty of the coroner to take inquests—1. Of all violent, sudden or casual deaths. 2. Of all deaths in prison without an attending physician. 3. Of all dead bodies found, whether of persons known or unknown. 4. Of all dead bodies of persons who have died or disappeared under suspicious circumstances. 5. Of the dead bodies of persons of whom affidavit may be made, that they came to their deaths by violence or foul play. 6. Whenever ordered by a court having criminal jurisdiction.

9. They are authorized, in order to carry into effect the preceding section, to disinter any body already buried, and, like a sheriff, to command the power of the county for that purpose.

10. If any person makes affidavit to facts to authorize such proceedings by the coroner, or the coroner does so of his own motion, and it is done without good grounds, or from malice or mischief, the person so swearing, or the coroner so officiating, is subject to indictment, and, if convicted, shall be fined not less than one hundred dollars and be imprisoned not less than thirty days. In such cases, all the circumstances shall go to the jury, and if they believe there were reasonable grounds for the disinterment at the time it took place, it is their duty to acquit.

11. When persons have come to their death by violence, and there are witnesses to it, and the person accused is under arrest and undergoes an examination before a competent tribunal, there need not be an inquest.

12. There also need be no inquest where persons come to their death by accident or act of God, in presence of witnesses, and there is no reason to suspect foul play, and no person makes affidavit of facts raising such suspicions.

13. The costs of such inquests shall be paid out of the county funds.

14. If any person is convicted of murder or manslaughter, in a case where an inquest has been held over the body of the person for slaying whom he is convicted, the costs of the inquest make a part of the costs of the conviction, and must be so charged.

15. When there is no coroner in a county, or he is absent from the county when needed, or will not or cannot take an inquest, any justice of the peace of the county may act as coroner.

FEES.

For summoning an inquest on a dead body and returning an inquisition, ... $10.00.

For furnishing coffin, and burial expenses, . . . 15.00.

When performing the duties of a sheriff his fees are the same as the sheriff.

ILLINOIS.

1. That every coroner shall be commissioned by the governor, but no commission shall issue except upon the certificate of the county clerk of the proper county of the due election or appointment of such coroner, and that he has filed his bond and taken the oath of office, as hereinafter provided.

2. *Bond.*—Before entering upon the duties of his office, he shall give bond, with two or more sufficient sureties, to be approved by the judge of the county court of his county, in the penal sum of $5,000 (except that the bond of the coroner of Cook county shall be in the penal sum of $15,000), payable to the people of the State of Illinois, conditioned that he will faithfully discharge all the duties required of him by the law as such coroner, or as sheriff of the county, in case he shall act as such; which bond shall be entered at large upon the records of the county court, and filed in the office of the county clerk of his county.

3. *Oath.*—He shall also, before entering upon the duties of his office, take and subscribe the oath or affirmation prescribed by section 25 article 5 of the constitution, which shall be filed in the office of the county clerk of his county.

4. If any such person elected or appointed to the office of coroner of any county shall fail to give bond or take the oath required of him, within twenty days after he is appointed or declared elected, the office shall be deemed vacant.

5. Copies of such bond, certified by the county clerk, or the said record thereof, certified by the clerk of the county court, shall be received as evidence.

6. Each coroner shall be conservator of the public peace in his

county, and in the performance of his duties as such shall have the same powers as the sheriff.

7. When it appears from the papers in a case that the sheriff or his deputy is a party thereto, or from affidavit filed that he is interested therein, or is of kin, or partial to or prejudiced against either party, the summons, execution or other process may be directed to the coroner, who shall perform all the duties in relation thereto, and attend to the suit, in like manner as if he were sheriff, and the interest, consanguinity, partiality or prejudice of the sheriff shall not be cause for a change of venue.

8. If there is no coroner, or it shall appear, in like manner, that he is also a party to or interested in the suit, or is of kin, or partial to or prejudiced against either party, process may, in like manner, issue to any constable in the county, who shall perform like duties as required of the coroner.

9. Where the office of sheriff is vacant, the coroner of the county shall perform all the duties required by law to be performed by the sheriff, and have the same powers and be liable to the same penalties and proceedings as if he were sheriff, until another sheriff is elected or appointed and qualified.

10. *Inquests.*—Every coroner, whenever and as soon as he knows or is informed that the dead body of any person is found or lying within his county, supposed to have come to his or her death by violence, casualty or any undue means, he shall repair to the place where the dead body is and take charge of the same, and forthwith summon a jury of six good and lawful men of the neighborhood where the body is found or lying, to assemble at the place where the body is, at such time as he shall direct, and, upon a view of the body, to inquire into the cause and manner of the death.

11. If a sufficient number of jurors so summoned do not attend, the coroner shall summon others from among the by-standers to make up the jury.

12. Whoever be so summoned as a juror fails or refuses, without good cause, to attend at the time and place required, or, appearing, refuses to act as such juror, or misbehaves while acting as such juror, shall, on complaint of the coroner before any justice of the peace in the county, be fined not less than three nor more than twenty dollars.

13. When the jury are assembled, the coroner shall appoint one of the number as foreman, and, in view of the body, administer to him an oath or affirmation, in the following form, to wit:—

"You, as foreman to this inquest, do solemnly swear (or affirm, as the case may require) that you will diligently inquire, and true presentment make, how and in what manner, and by whom or what, the body which here lies dead came to its death, and that you will deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be given you, and according to the best of your knowledge and belief: So help you God."

And to the other jurors, one as follows, to wit:—

"The same oath which A. B., your foreman has just now taken on his part, you and each of you do solemnly swear (or affirm, as the case may require) to keep your respective parts: So help you God."

14. It shall be the duty of the jurors, as sworn aforesaid, to inquire how, in what manner and by whom or what the said dead body came to its death, and of other facts of and concerning the same, together with all material circumstances relating to or connected with the said death, and make up and sign a verdict, and deliver the same to the coroner.

15. The coroner shall have power to summon or cause to be summoned, and compel the attendance of, all such witnesses whose testimony may probably be requisite to the proving of any fact or circumstance relating to the object of such inquest, and to administer to such witnesses the proper oath.

16. If the evidence of any witness shall implicate any person as the unlawful slayer of the person over whom the said inquisition shall be held, the coroner shall recognize such witness in such sum as he may think proper, to be and appear at the next term of the circuit court for the said county, there to give evidence of the matter in question, and not depart without leave, except that in the county of Cook the recognizance shall be to the criminal court of Cook county.

17. If any witness shall refuse to enter into such recognizance, it shall be the duty of the coroner to commit the witness so refusing to the common jail of the county, there to remain until the next term of the said court; and the coroner shall carefully seal up and return to the clerk of the court the verdict of the jury, and the recognizances, and it shall be the duty of the clerk to carefully file and preserve the same.

18. The coroner shall cause the testimony of each witness, who may be sworn and examined at any inquest, to be written out and

signed by said witness, together with his occupation and place of residence, which testimony shall be filed with said coroner in his office and carefully preserved.

19. Every coroner shall, at the expense of the county, be supplied with proper record books, wherein he shall enter the name, if known, of each person upon whose body an inquest shall be held, together with the names of the jurors comprising the jury, the names, residences and occupations of the witnesses who are sworn and examined, and the verdict of the jury. In case the name of the person deceased is not known, the coroner shall make out a description of said person and enter the same upon the record books to be so kept by him, together with all such facts and circumstances attending the death which may be known, and which may lead to the identification of the person; and shall carefully take an inventory of said person's personal effects and property, of every kind and nature whatever, and state on his records what has been done with the same, and where the proceeds of any such property, and the money and papers, if any, are deposited.

20. When any valuable personal property, money or papers are found upon or near the body upon which an inquest is held, the coroner shall take charge of the same and deliver the same to those entitled to its care or possession; but if not claimed, or the same shall be necessary to defray the expenses of the burial, the coroner shall, after giving ten days' notice of the time and place of sale, sell such property, and, after deducting coroner's fees and funeral expenses, deposit the proceeds thereof, and the money and papers so found, with the county treasurer, taking his receipt therefor, these to remain subject to the order of the legal representatives of the deceased, if claimed within five years thereafter; or, if not claimed within that time, to vest it in the county.

21. After the inquisition the coroner may deliver the body of the deceased to his friends, if there be any; but if not, he shall cause him to be decently buried, the expenses to be paid from the property of deceased, if there is sufficient; if not, by the county.

22. When any railroad company, stage or any steamboat, propeller or other vessel, engaged in whole or in part in carrying passengers for hire, brings the dead body of any person into this State, or any person dies upon any railroad car or any such stage, steamboat, propeller or other vessel, in this State, or any person is killed by cars or machinery of any railroad company, or by accident

thereto, or by accident to or upon any such stage, steamboat, propeller or other vessel, or by accident to, in or about any mine, mill or manufactory, the company or person owning or operating such cars, machinery, stage, steamboat, propeller or other vessel, mine, mill or manufactory, shall be liable to pay the expenses of the coroner's inquest upon and burial of the deceased; and the same may be recovered in the name of the county in any court of competent jurisdiction.

23. If any person implicated by the inquest as the unlawful slayer of the deceased, or as accessory thereto, is not in custody therefor, the coroner shall apprehend and commit, or cause to be apprehended and committed to the county jail, such person, there to remain until discharged by due course of law.

24. In the absence of the coroner any justice of the peace of the county, knowing or being informed of the finding of the dead body of any person as aforesaid, shall have the like powers and discharge the same duties as are herein imposed upon the coroner, and shall be entitled to the same fees as the coroner for like services.

FEES.

For holding an inquest over a dead body when required by law, in counties of first and second class, ...	$10.00.
In counties of third class, ...	5.00.
For summoning the jury in all counties, . . .	1.00.
For burial expenses in counties of first class, . .	15.00.
In counties of second class, ...	12.00.
In counties of third class, ...	10.00.

All of which fees shall be certified by the court, and paid out of the treasury when the same cannot be collected out of the estate of the deceased.

PASSED MAY 31, 1879.

25. *To take charge of body—jury.*—Every coroner, whenever and as soon as he knows or is informed that the dead body of any person is found or lying within his county, supposed to have come to his or her death by violence, casualty or any undue means, he shall repair to the place where the dead body is and take charge of the same, and forthwith summon a jury of six good and lawful men of the neighborhood where the body is, at such time as he shall direct, and, upon a view of the body, to inquire into the cause and manner of the death.

INDIANA.

1. That every coroner shall be commissioned by the governor, and, before entering upon the duties of his office, shall execute an official bond in the penalty of five thousand dollars, and shall, within his own county, be a conservator of the peace, and perform like duties and possess like powers, in keeping the peace and in arresting offenders against the laws of the State, and in suppressing affrays and breaches of the peace which may come to his knowledge, which are vested in sheriffs.

2. The coroner shall perform the duties of sheriff, in cases where the sheriff is interested or absent or otherwise incapacitated from serving; and also, in case of vacancy in the office of sheriff, the coroner shall discharge the duties of such office until a sheriff is appointed or elected.

3. All suits and warrants commanding the arrest of the sheriff of any county shall be served by the coroner, or other person, to whom the same may be legally directed; and such sheriff shall be committed to the jail of the county of which he is sheriff, by the coroner; and such coroner, during the imprisonment of such sheriff, shall have the custody of such jail, and of the prisoners therein, and shall discharge the duties of sheriff until such sheriff is legally discharged out of such custody.

4. Every coroner, as soon as he shall be notified that the dead body of any person, supposed to have come to his death by violence or casualty, is within his county, shall make out his warrant, directed to a constable of the township where the dead body is lying, requiring him forthwith to summon a jury of six men of the said township to appear before such coroner at the time and place expressed in his warrant, and to inquire, upon view of the body (naming therein the person, if known, there lying dead), how and in what manner and by whom he came to his death.

5. Every constable to whom such warrant shall be directed shall forthwith execute the same, and repair to the place where the dead body is, at the time named, and make return of the warrant, with his proceedings thereon, to the coroner who granted the same.

6. The coroner shall administer to the six jurors who appear the following oath:—

"You do solemnly swear (or affirm, as the case may be) that

you will diligently inquire, and true presentment make, how and in what manner and by whom A. B., who here lies dead, came to his death, and that you will deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to the best of your knowledge."

7. The jurors being sworn, the coroner shall give them a charge, upon their oaths, to declare of the death of the person, how and by whom it was caused, and all circumstances attending the same, and whether any person is guilty of said death, and the degree of guilt.

8. All persons desirous of being heard shall be examined as witnesses, and the coroner may cause witnesses to be summoned by subpœna issued by him and served by a constable, who shall answer all questions asked them, on oath, touching such death. And when a surgeon or physician is required to attend such inquest and make a *post-mortem* examination, the coroner shall certify such service to the board of county commissioners, who shall order the same paid out of the county treasury.

9. All testimony shall be in writing, subscribed by the witnesses; and if it relate to the trial of any person concerned in the death, the coroner shall bind such witnesses, by recognizance, in a reasonable sum, for their appearance at the next term of the circuit court to be holden within the same county, there to give evidence, and commit to the jail of said county any witness refusing to enter into such recognizance; and he shall return to the same such inquisition, written evidence and recognizances by him taken.

10. The jury, having viewed the body, heard the evidence and made all inquiry within their power, shall draw up and deliver to the coroner their verdict upon the death under consideration, in writing, under their hands.

11. The coroner shall require the jury impanelled to examine and make a report, signed by jurors and said coroner, which shall be returned with the verdict of said jury, giving a particular and minute description of the person deceased, together with his name, if the name can be ascertained, and the amount of money or other valuables found with the dead body, which amount of money or other property, if there be no person to take charge of the same, shall be placed in the hands of the treasurer of the

county in which the said body may be found, and by him paid over to the person or persons authorized to receive the same, if any such person shall call therefor. But so much thereof as may be necessary, may, by the treasurer, be appropriated, under the order of the board of commissioners, to paying the funeral expenses of deceased.

12. It shall be the duty of the treasurer, if the money aforesaid shall not be called for within one year from the time of receiving the same, to loan it out on interest of not less than seven per centum per annum, to be applied to common schools, equally to be divided among the townships of said county.

13. It shall be the duty of such coroner to publish, in some public newspaper printed in or nearest to such county, the description and name of the deceased, if the same can be ascertained, and the amount of money or other valuables found in his possession, in cases in which no person who is entitled thereto shall claim the same.

14. If any coroner shall fail to pay to the treasurer of any county the money or other property which may come into his hands as aforesaid, it shall be the duty of such treasurer to sue for and collect the same, in his own name, before any court having competent jurisdiction.

15. Upon an inquisition found before any coroner of the death of any person by felony, such coroner shall forthwith issue to some constable his writ, commanding him to arrest the person whom such jury charges with such felony, and take him before some justice to be by such coroner named in such writ; and such justice shall proceed in such case as if such person had been arrested on complaint made before him.

16. In every case where the coroner shall be absent from the county or unable to attend, any justice of the peace of the proper county may hold an inquest over any dead body, and shall proceed in all respects as coroners are directed to do by the foregoing provisions, and may in all cases be governed by the provisions and subject to the penalties of this act.

17. The treasurer of the county shall sell, as property is sold on execution by a sheriff, all property found on any dead body and remaining unclaimed for sixty days; and the proceeds of such sale shall be disposed of as required in case of money being found on such body.

Fees are not specified in this State.

PASSED MARCH 29, 1879.

1. Every coroner, as soon as he shall be notified that the dead body of any person, supposed to have come to his death by violence or casualty within his county, shall immediately proceed to inquire, upon view of the body, how and in what manner he came to his death.

2. The coroner, having viewed the body, heard the evidence and made all necessary inquiry, shall draw up his verdict upon the death under consideration, in writing, and sign the same with his name.

3. The coroner shall also make a report in writing, giving therein a particular and minute description of the deceased person, together with his name, if the same can be ascertained, and the amount of money and other valuables found with the dead body, which report, with said verdict so found by him, shall be by him filed in the office of the circuit court of the county in which said body is found, immediately after his inquest is completed; and if there be no person known to him lawfully entitled to take possession of any money or other valuables found with any dead body, said coroner shall, after such inquest, immediately deliver the same to the treasurer of said county, who shall deliver the same to any person legally authorized to receive the same, within one year after he has so received the same from said coroner: *Provided, however*, that so much thereof as may be necessary to defray the expenses of such coroner's inquisition, and the funeral expenses of said body, may be by said treasurer appropriated and used for that purpose; and his doings therein, with the amount so expended by him, shall be reported to the board of commissioners of said county for their approval.

4. In case of any vagrant found dead, in case of any person killed while committing a felony, or if any prisoner convicted of felony, and justifiably killed in attempting to escape from prison, or from officers of the law having him or her in lawful custody, upon the body of which person an inquest may lawfully be held, and shall be held by the coroner or other officers thereto lawfully authorized, it shall be the duty of such inquest to inquire as to the existence and residence of any next of kin of such deceased person; and if it shall be the verdict of such inquest that the person so found dead or killed had no next of kin, the coroner or other officer holding such inquest may, at his discretion, and with

the approval of the sheriff of the county wherein such inquest is held, upon the request, in writing, of the faculty or other authorities of any duly incorporated and organized medical college or medical association within this State, in operation nearest to the place of such inquest, deliver such dead body to such college for the scientific purposes thereof, taking a proper descriptive receipt therefor, which shall be filed with the clerk of the county.

5. Coroners' juries are hereby abolished.

6. All laws and parts of laws in conflict with this act are hereby repealed.

7. An emergency exists for the immediate taking effect of this act. Therefore the same shall be in force from and after this passage.

IOWA.

1. It is the duty of the coroner to perform all the duties of the sheriff when there is no sheriff, and in cases where exception is taken to the sheriff, as provided in next section.

2. In all proceedings in the courts of record, where it appears from the papers that the sheriff is a party to the action, or where, in any action commenced or about to be commenced, an affidavit is filed with the clerk of the court, stating that the sheriff and his deputy are absent from the county, and are not expected to return in time to perform the service needed, or stating a partiality, prejudice, consanguinity or interest on the part of the sheriff, the clerk or court shall direct process to the coroner, whose duty it shall be to execute it in the same manner as if he were sheriff

3. When there is no sheriff, deputy sheriff or coroner qualified to serve legal process, the clerk of the court may, by writing, under his hand and the seal of the court certifying the above fact, appoint any suitable person specially in such case to execute such process, who shall be sworn, but he shall not give bonds, and his return shall be entitled to the same credit as the sheriff's, when the appointment is attached thereto.

4. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. When he has notice of the dead body of a person supposed to have died by unlawful means, found or being in his county, he is required to issue his warrant to a constable of his county, requiring him to summon forthwith those electors of the

county to appear before the coroner at a time and place named in the warrant.

5. The warrant may be in substance as follows:—

"STATE OF IOWA,

——*County.*

"To any constable of the said county.

"In the name of the State of Iowa, you are hereby required to summon forthwith three electors of your county to appear before me at (name the place), at (name the day and hour, or say forthwith), then and there to hold an inquest upon the dead body of ——, there lying, and find by what means he died.

"Witness my hand this —— day of ——, A. D. 18—.

A. B.,

Coroner of —— County."

6. The constable shall execute the warrant and make return thereof at the time and place named.

7. If any juror fails to appear, the coroner shall cause the proper number to be summoned or returned from the by-standers immediately, and proceed to impanel them and administer the following oath in substance:—

"You do solemnly swear (or affirm) that you will diligently inquire, and true presentment make, when, how and by what means the person whose body lies here dead came to his death, according to your knowledge and the evidence given you."

8. The coroner may issue subpœnas within his county for witnesses, returnable forthwith or at such time and place as he shall therein direct, and witnesses shall be allowed the same fees as in cases before a justice of the peace; and the coroner has the same authority to enforce the attendance of witnesses, and to punish them and jurors for contempt in disobeying his powers, as a justice of the peace has when his powers issue in behalf of the State.

9. An oath shall be administered to the witnesses in substance as follows:—

"You do solemnly swear that the testimony which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth."

10. The testimony shall be reduced to writing under the coroner's order, and subscribed by the witnesses.

11. The jurors, having inspected the body, heard the testimony

and made all needful inquiries, shall return to the coroner their inquisition, in writing, under their hands, in substance as follows, and stating the matters in the following form suggested as far as found:—

"STATE OF IOWA,

—— *County.*

"An inquest holden at ——, in —— county, on the —— day of ——, A. D. 18—, before ——, coroner of the said county, upon the body of —— (or a person unknown), there lying dead, by the jurors whose names are hereto subscribed, the jurors, upon their oaths, do say (here state when, how, by what person, means, weapon or accident he came to his death, and whether feloniously).

"In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid (which shall be attested by the coroner)."

12. If the inquisition find that a crime has been committed on the deceased, and name the person whom the jury believe has committed it, the inquest shall not be made public until after the arrest directed in the next section.

13. If the person charged be present, the coroner may order his arrest by an officer, or any other person present, and shall then make a warrant requiring the officer or other person to take him before a justice of the peace.

14. If the person charged be not present, and the coroner believe he can be taken, the coroner may issue a warrant to the sheriff and constables of the county, requiring them to arrest the person and take him before a justice of the peace.

15. The warrant of a coroner in the above case shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice, such justice shall cause an information to be filed against him, and the same proceedings shall be had as in other cases under information, and he shall be dealt with as a person held under an information in the usual form.

16. The warrant of the coroner shall recite substantially the transactions before him, and the verdict of the jury of inquest leading to the arrest, and such warrant shall be a sufficient foundation for the proceeding of the justice instead of an information.

17. The coroner shall then return to the district court the inquisition, the written evidence and a list of the witnesses who testified material matter.

18. The coroner shall cause the body of a deceased person, when he is called to view, to be delivered to his friends, if any there be; but if not, he shall cause him to be decently buried and the expense to be paid from any property found with the body; or, if there be none, from the county treasury, by certifying an account of the expenses, which being presented to the board of supervisors, shall be allowed by them, if deemed reasonable, and paid as other claims on the county.

19. When there is no coroner, and in the case of his absence or inability to act, any justice of the peace of the same county is authorized to perform the duties of coroner in relation to dead bodies; and in such case he may cause the person charged to be brought before himself by his warrant, and may proceed with him as a justice of the peace.

20. In the above inquisition by a coroner, when he or the jury deem it requisite, he may summon one or more physicians or surgeons to make a scientific examination, and shall allow, in such case, a reasonable compensation instead of witness fees.

No special fees are provided for the coroner or jurors.

KANSAS.

1. A coroner shall be elected in each county, for the term of two years, who shall, before he enters upon the duties of his office, give bond to the State of Kansas in such penal sum—not less than five hundred and not more than five thousand dollars, with sufficient sureties, not less than two, as the county clerk shall direct and approve,—the condition of which bond shall be in substance the same as that given by the sheriff; such bond to be filed with the county clerk of the proper county.

2. When there shall be no sheriff in an organized county, it shall be the duty of the coroner to exercise all the powers and duties of the sheriff of his county, until a sheriff be elected or qualified; and when the sheriff, for any cause, shall be committed to the jail of his county, the coroner shall be the keeper thereof during the time the sheriff shall remain a prisoner therein.

3. Every coroner shall serve and execute process of every kind, and perform all other duties of the sheriff, when the sheriff shall be a party to the case, or whenever affidavit shall be made and filed as provided in the succeeding section; and in all cases he

shall exercise the powers and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

4. Whenever any party, his agent or attorney, shall make and file with the clerk of the proper court an affidavit, stating that he believes that the sheriff of such county will not, by reason of either partiality, prejudice, consanguinity or interest, faithfully perform his duties in any suit commenced or about to be commenced in said court, the clerk shall direct the original or other process in such suit to the coroner, who shall execute the same in like manner as the sheriff might or ought to have done.

5. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means, or the cause of whose death is unknown. When he has notice of the dead body of a person supposed to have died by unlawful means, the cause of whose death is unknown, found or being in the county, it shall be his duty to summon forthwith six citizens of the county to appear before him at a time and place named.

6. If any person fails to appear, the coroner shall summon the proper number from by-standers immediately, and proceed to impanel them and administer the following oath, in substance:—

Oath.—"You do solemnly swear (or affirm) that you will diligently inquire, and true presentment make, when, how and by what means the person, whose body lies here dead, came to his death, according to your knowledge and the evidence given you: So help you God."

7. The coroner may issue subpœnas within his county for witnesses, returnable forthwith or at such time and place as he shall therein direct; and witnesses shall be allowed the same fees as in cases before a justice of the peace; and the coroner shall have the same authority to enforce the attendance of witnesses, and to punish them and jurors for contempt in disobeying his process, as a justice of the peace has when his process issues in behalf of the State.

8. An oath shall be administered to the witnesses in substance as follows:—

"You do solemnly swear that the testimony which you shall give to the inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God."

9. The testimony shall be reduced to writing, under the coroner's order, and subscribed by the witness.

10. The jurors, having inspected the body, heard the testimony and made all needful inquiries, shall return to the coroner their inquisition, in writing, under their hands, in substance as follows, and stating the matter in the following form suggested as far as found:—

"STATE OF KANSAS,

——*County.*

"An inquisition holden at ——, in —— county, on the —— day of ——, A. D. 18 —, before me ——, coroner of said county, on the body of —— (or a person unknown), there lying dead, by the jurors whose names are hereto subscribed, the said jurors, upon their oaths, do say (here state when, how, by what person, means, weapon or accident he or she came to his or her death, and whether feloniously).

"In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid (which shall be attested by the coroner)."

11. If the inquisition find that a crime has been committed on the deceased, and name the person whom the jury believe committed it, the inquest shall not be made public until after the arrest directed in the next section.

12. If the person charged be present, the coroner may order his arrest by an officer or other person, and shall then make a warrant requiring the officer or other person to take him before a justice of the peace.

13. If the person charged be not present, the coroner may issue a warrant to the sheriff, or any constable of the county, requiring them to arrest the person and take him before a justice of the peace.

14. The warrant of a coroner in the case shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice, he shall be dealt with as a person held under complaint in the usual form.

15. The coroner shall then return to the county clerk the inquisition, the written evidence and a list of the witnesses who testify material matter.

16. The coroner shall cause the body of a deceased person, which he is called to view, to be delivered to his friends, if any there

be, and if not, he shall cause him to be decently buried and the expenses to be paid from any property found with the body—if there be none, from the county treasury—by certifying an account of the expense, which being presented to the board of county commissioners, shall be allowed by them, if deemed reasonable, and paid as other claims on the county.

17. When there is no coroner, or in case of his absence or inability to act, any justice of the peace of the same county is authorized to perform the duties of coroner in relation to dead bodies.

18. In an inquisition by a coroner, where he or the jury should deem it requisite, he may summon one or more physicians or surgeons to make scientific examination, who shall be allowed a reasonable compensation by the board of county commissioners.

FEES.

The coroner of each county shall receive for holding an inquest three dollars per day for each day necessarily and actually employed; for all services performed in holding such inquest, the same fees as justices of the peace for like services in criminal cases; for performing the duties of sheriff, the same fees as sheriffs; and for every mile necessarily and actually traveled in the discharge of his official duty, ten cents.

KENTUCKY.

1. Every coroner, before he enters on the duties of his office, shall be sworn to diligently and impartially discharge the duties thereof, and enter into bond to the commonwealth, in the county court, with good sureties, in substance as follows:—

"We, A. B., coroner of —— county, and C. D. and E. F., his sureties, do covenant to and with the commonwealth of Kentucky that the said A. B. shall well and truly perform every duty which may be required of him by law, during his continuance in office, and will well and truly pay over to such persons, at such times as they may be entitled thereto, any moneys that may come into his hands as coroner.

"Given under our hands this —— day of ——."

2. The bond shall be witnessed by the clerk or his deputy, and

the sureties shall be approved by the court, and it shall be held to embrace every duty which is by him imposed on the coroner. It may be put in suit from time to time by any person injured by the acts or omissions of the coroner.

3. It shall be the duty of the coroner, upon request, to hold an inquest upon the body of any person slain, drowned or otherwise suddenly killed, or where any house be broken. His jury shall be composed of six good and lawful housekeepers of the county, summoned and sworn by himself, who, upon their oaths, shall inquire and say, in writing, if they know in what manner the person came to his death, or the house broken; when, where, how and by whom, and who were present and who are culpable of the act.

4. If any person, by such inquest, be found culpable of murder, manslaughter or of housebreaking, or of being accessory thereto, the coroner shall forthwith arrest and commit such person to the jail of the county in which the inquest was held, or cause it to be done by his precept, there to be confined and dealt with according to law. If the person has fled, the coroner, or a person deputized, in writing, by him, may summon aid, and pursue and apprehend him wherever he may be found in this State, and take and commit him to the jail, as above directed.

5. The coroner shall swear witnesses and commit to writing the substance of the evidence given before each jury, designating each witness and his testimony. He shall, furthermore, recognize the witness examined before him to appear before the circuit court on the first day of the next term, and shall forthwith return the recognizances, with the inquest and testimony so taken, to the circuit court clerk's office of the county.

6. The coroner shall bury the person over which the inquest is held, or deliver him to his friends, if required.

7. He may execute process in criminal, penal and civil cases, and when so acting, the laws in regard to sheriffs shall apply to and govern him.

8. When the coroner of a county comes to reside therein, the county court of the same shall enter the fact on its record, and also that his office is thereby vacated; any act or omission for which the office of sheriff may be declared vacant shall authorize the county court to declare the office of coroner vacant.

9. The coroner may prosecute an appeal to the circuit court, and thence to the court of appeals, from the decision of the county

court, to reverse any order declaring him to have vacated his office; but such appeal shall not, during its pendency, have the effect to suspend such order.

10. A writ of election to fill a vacancy in the office of coroner shall be issued by the county judges; or, if the county judge is not at that time in the county, then by the county clerk. The election to be held by such writ shall always be held at the next August election after the vacancy occurs.

11. A vacancy in the office of coroner shall be filled by the county court of the county in which it exists, until the next August election, and until the successor next chosen shall qualify; and if, from any cause, an election is not held or the vacancy is not then filled, the county court shall fill the vacancy for the unexpired term, if it be not less than one year.

12. When, in the opinion of the coroner, it shall be necessary to have a *post-mortem* examination of a dead person during an inquest, he may employ a competent surgeon or physician for that purpose. The court of claims of the county in which the services may be rendered shall allow the surgeon or physician a reasonable sum therefor. The expenses of inquests and *post-mortem* examinations held in the cities of Louisville and Covington shall be paid by them.

FEES.

1. Coroners shall be allowed to charge and receive the following fees, viz:—

For taking an inquisition on a dead body and burying it, to be paid out of the estate of the deceased, if sufficient; if not, out of the county levy, ... $6.00.

For all other services they shall be allowed the same fees allowed to sheriffs and constables for similar services.

LOUISIANA.

1. A coroner shall be elected in each parish by the qualified electors thereof, except in the parish of Orleans, in which there shall be two coroners so elected—one to perform the duties of coroner on the left bank, below the middle of Canal street, in the said parish, and the other to perform the duties of coroner on the left bank, above the middle of Canal street, and also in that part of the

parish known as Orleans, right bank. Said coroners shall hold their offices for the term of two years, respectively. An election for said coroners shall be held on the first Monday of November, eighteen hundred and seventy, and every two years thereafter. Every coroner shall take the oath prescribed by the constitution and laws, and shall give bond and security according to law—in the parish of Orleans in the sum of twenty-five thousand dollars, and in the other parishes of the State in the sum of two thousand dollars—for the due performance of the duties of his office. Should a vacany occur subsequent to an election, it shall be filled by the governor, and the person so appointed shall continue in office until his successor shall be elected and qualified.

2. No person shall be eligible for the office of coroner, either by election by the people or appointed by the governor of the State, who is not a lawful citizen of the State, of fair education, good moral character and possessed of general business qualities; and it shall not be necessary that he shall have had a medical or surgical education, or have been a regular practitioner of either branch of science.

3. The coroner shall be a conservator of the peace.

4. In case of vacancy in the office of sheriff, the coroner for the portion of the parish of Orleans on the left bank, below the middle of Canal street, shall execute the duties of sheriff of the criminal courts, and the coroner for the portion of the said parish on the left bank, above the middle of Canal street, and on the right bank, shall execute the duties of sheriff of the civil courts until the appointment or election of a new sheriff; and while acting as such sheriff, the coroner shall receive the same fees as are allowed by law to the sheriff. In the county parishes the coroner shall, in like manner, fill vacancies in the office of sheriff.

5. It shall be the duty of the coroner, on being informed of the violent death of any person within his jurisdiction, the cause of which is unknown, immediately to proceed to view the body and make all proper inquiry respecting the cause and manner of the death; and if, from such inquiry, he shall be satisfied that no person has been guilty of causing or procuring the death, and that there are no suspicious circumstances attending it, he shall, without further proceedings therein, deliver the body to the friends, if any there be, for interment; in case there are no friends who will take charge of the body, and if the deceased shall not have left property

sufficient to pay the expenses of the burial, then it shall be the duty of the coroner to bury it.

6. Where inquests are not held, the coroner shall issue a certificate to the following or similar import:—

"I, ——, coroner of the (parish or district, as the case may be) of ——, having been notified of the death of ——, and having received the body of the said ——, and made inquiry respecting the death, do certify that I am satisfied no guilt attaches to any person by reason thereof, and that an inquest is unnecessary." (And where it shall have become necessary for the coroner to bury the body, the certificate shall continue, and say): "That the deceased has no friends to take charge of and bury the body, nor, as I can ascertain, has he (or she) left property sufficient to defray the expenses thereof, and I have therefore buried the same." And this certificate shall be filed in the office of the recorder of births and deaths for the parish of Orleans; and it shall be the duty of the coroners of the parish of Orleans to file, monthly, in the said office of recorder of births and deaths for the parish of Orleans, a duplicate copy of all inquests held by them in the parish of Orleans; and all the certificates already filed in the clerk's office of the Fourth District Court for the parish of Orleans, by virtue of the said amended section, are hereby transferred to the office of the recorder of births and deaths for the parish of Orleans to be filed, and to remain deposited in said office.

7. If the coroner shall have reason to suspect that the person, whose body he shall have been called to view, came to his death by violent means, then, and not otherwise, it shall be his duty forthwith to proceed and take inquest of said death.

8. In the parish of Orleans the jurisdiction and duties of the coroner for the portion of that parish on the left bank, below the middle of Canal street, shall extend and shall be confined to inquisitions on subjects found or brought within the said limits, and the jurisdictions and powers of the coroner for that portion of the parish above the middle of Canal street, on the right bank, shall extend and be confined to inquisitions on subjects found or brought within these said limits: *Provided*, that nothing herein contained shall be construed as preventing, prohibiting or forbidding persons finding the bodies of drowned persons in the river from notifying the nearest coroner thereof, or as releasing the said coroner from the duty of forthwith holding an inquest thereon.

9. When an inquest is to be held, the coroner shall summon forthwith five citizens residing in the parish to appear before him at the time and place expressed in the summons, then and there to inquire, upon view of the body of ——, there lying dead, when and by what means he came to his death.

10. If any person summoned as a juror shall fail to appear, without reasonable excuse therefor, he shall forfeit the sum of twenty-five dollars. All forfeitures under this section in New Orleans and Jefferson may be recovered for the benefit of the Charity Hospital of New Orleans, by suit to be brought by the administrators of the hospital. In the county parishes, all forfeitures recovered under this section shall be deposited in the parish treasury, and for the use of said parishes, suit to be brought before a justice of the peace in the name of the police jury thereof.

11. When the jurors who have been summoned appear, the coroner shall call over their names, and then, in view of the body, he shall administer to them the following oath:—

"You do solemnly swear that you will diligently inquire, and true presentment make, in behalf of the State, when and by what means the person, whose body here lies, came to his death, and that you will return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God."

If any of the five jurors shall not appear, the coroner shall summon jurors from the by-standers to complete the number of the jury.

12. The coroner may summon witnesses at such time and place as he shall direct; the persons summoned shall, for non-attendance or refusal to testify, be subject to the same penalties, to be expressed in the summons, as if they had been served with a subpœna in behalf of the State to attend a justice's court. It shall be the duty of the coroner, if adjudged necessary either by himself or by a majority of the jury, in order to ascertain the cause of death, to order a *post-mortem* examination—whether surgical only, or chemical also—to be made on the body of the subject of the inquisition by competent medical practitioners; and the expense of such *post-mortem* examination shall be paid by the parish or municipal authorities within whose jurisdiction the inquests shall be held.

13. The coroner shall administer the following oath to all witnesses:—

"You solemnly swear that the evidence you are required to give on this inquest shall be the truth, the whole truth, and nothing but the truth: So help you God."

14. The testimony of all witnesses examined in any inquest shall be reduced to writing and subscribed by the witnesses.

15. The jury, upon the inspection of the body, and after hearing the testimony of witnesses and making all needful inquiries, shall sign and deliver to the coroner their inquisition, under their hands, in which they shall certify when and by what means the deceased came to his death, and his name, if it is known, together with all material circumstances attending his death; and if it shall appear that the deceased was feloniously killed, the jurors shall further state who were charged with being—either as principals or accessories, if known, or with being in any manner—the cause of his death, which inquisition may be in substance as follows:—

"An inquisition taken at ——, on the —— day of ——, in the year ——, before the coroner of the parish (or portion of the parish, in case of the parish of Orleans) of ——, upon view of the body of —— (or of an unknown person), there lying dead, the jurors whose names are hereunto subscribed, having been sworn to inquire, on behalf of the State, when and by what means said —— came to his death, upon their oath, do say (then insert when, how and by what person or persons, means, weapons or instruments he was killed).

"In testimony whereof, the coroner and jurors of this inquest have hereunto subscribed their names and day and year above stated."

16. If the jury find that any murder or manslaughter has been committed on the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper to appear and testify at the next court to be held in the parish at which an indictment for such an offence can be found; he shall also return to the court the inquisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the parish any witnesses who shall refuse to recognize in such manner as he shall direct.

17. If any person charged by the inquest with having committed such offence shall not be in custody, the coroner shall arrest and conduct him before some committing magistrate in the parish in

which the inquest is held, to be examined and proceeded with according to law.

18. The expenses of the inquest, with the coroner's fees, shall be paid by the parish, incorporated city or town within which the inquest shall be held, when the coroner shall make out an account of the expenses of the inquest, and certify, under oath, that the charges are no more than allowed by law; and in case the charges in the certified account exceed those allowed by law he shall be liable to the penalties of perjury.

19. Any coroner shall, in case of sickness or necessary absence, have power to appoint a deputy to perform his duties. Said deputy shall possess the qualifications required for the office of coroner specified in section two, and the coroner appointing him shall be responsible for his acts, and shall pay him out of the fees to which the said coroner may be entitled.

20. A coroner shall receive, for every inquest held, twenty-five dollars; for every viewing of a body in which no inquest is held, five dollars; for every burial performed at his expense, twelve dollars; and for all other fees, including the swearing and qualifying of a jury, the administering of oaths, the returning of the *process verbal* and the swearing of witnesses, five dollars.

21. No other fees than those specified in the foregoing section of this act shall be allowed to any coroner, an ordinance to the contrary notwithstanding: *Provided*, that nothing in this act shall be construed as prohibiting the payment, by parish or municipal authorities, of necessary or unavoidable expenses, being certified to as necessary or unavoidable by the coroner and majority of the jury.

22. Every person who shall serve as a juror on any inquest shall be allowed the sum of two dollars for each day he shall serve, and in other parishes of the State than that of Orleans, five cents for every mile he shall necessarily travel to attend such inquest and to return home: *Provided*, that mileage shall in no case be allowed more than once going to and once returning from the said inquest; and *provided further*, that no mileage shall be allowed in the parish of Orleans.

23. It shall be the duty of the coroner, immediately after the jury shall have been discharged, to deliver to each juror a certificate specifying the number of days he has attended, the distance for which he shall be entitled to receive mileage, and the amount

due, which shall be ascertained by the oath of the juror, to be administered by the coroner; and such certificate shall be receivable in payment of parish taxes, or paid out of the money in the parish treasury not otherwise appropriated.

24. It shall be the duty of every coroner throughout the State to transmit to the general assembly of the State, through the governor of the State, within ten days after the opening of every regular session of the said general assembly, a report of the inquests held by him, of bodies viewed by him without inquests being held, and of bodies buried by him, specifying the name, if known, of the deceased; the verdict of the jury in each case in which an inquest shall have been held; the cause of death in which he shall have viewed bodies, but shall have judged an inquest unnecessary, and the total amount of fees received by him during the period covered by his report.

25. Any person who shall have knowledge of a drowned person, or shall find a corpse adrift, shall be authorized to take it ashore, and shall be required to cause notice to be given to the nearest coroner having jurisdiction: *Provided*, that in case a coroner cannot be notified to hold an inquest thereon forthwith, a justice of the peace of the neighborhood, or two witnesses, shall be immediately called to view the body, ascertain its condition and draw up a *process verbal* thereof, to be forthwith transmitted to the coroner.

26. The justice of the peace in and for that portion of the parish of Orleans lying on the right bank of the Mississippi river is authorized to act as coroner, whenever a dead body shall be found lying within the limits of that portion of the parish.

27. The death of every person within the parish of Orleans shall be reported at said office within twenty-four hours thereafter. This declaration shall be made by the nearest relative of the deceased, if he or she is present, and in case of absence, by the testamentary executor, if there be one; if none, by the owner or tenant of the house in which the person died; and if the death happened in a State, parish, municipal, charitable or benevolent institution, hospital, asylum, prison, workhouse, house of refuge, insane asylum, etc., etc, it shall be the duty of the president, superintendents or managers of said institutions to have said death recorded in the said office of recorders of births and deaths monthly. It shall also be the duty of the coroners to record, monthly, in said office, the deaths of all persons upon whose bodies an inquest has been

held, or a certificate issued by them for the burial, of indigent persons, and if the recording fees in such cases shall be charged to the city of New Orleans or the police jury of the parish of Orleans, right bank, as the case may be; and any person contravening the provisions of this section, shall be fined not less than ten nor more than twenty five dollars, recoverable before any court of competent jurisdiction.

28. Whenever the sheriff and coroner of any parish shall be interested in any suit or other legal process, or when there shall be no sheriff and coroner in office in any parish, or the sheriff or coroner shall be disqualified by law, from interest or otherwise, from serving any legal process, it shall be served by any regular constable of the parish, or by an officer appointed by the court; and such constable or officer shall have in such suit all the powers, receive all the emoluments and be liable to all the responsibilities of the sheriff.

MAINE.

1. Every coroner shall be appointed and hold his office according to the provisions of the constitution; be sworn, and give bond to the treasurer of State, with sufficient sureties, to the satisfaction of the county commissioners of his county, for the faithful discharge of his duties; such bond shall be transmitted to such treasurer as a sheriff's bond is; but when it is approved by the certificate of two county commissioners, and filed with the clerk of his county, he may discharge his duties until the first day of their next stated session, and not afterwards, unless his bond is then approved by them.

2. Every coroner shall serve and execute, within his county, all writs and precepts in which the sheriff thereof, or his deputy, is a party, unless served by a constable, or while the office of sheriff therein is vacant, including those in which a town, plantation, parish, religious society or school district—of which he is at the time a member—is a party or interested; and may lawfully serve, execute and return any papers in his hands when his term of office expires, or he is satisfied of the qualification of the sheriff of his county, after a vacancy.

3. Any coroner shall hold inquests on dead bodies of such persons only as appear or are supposed to come to their death by vio-

lence, and not when it is believed their death was caused by casualty; and as soon as he is notified of any such dead body in his county, he shall make out his warrant in the following form, directed to any of the constables of the same town or an adjoining town in his county, requiring him forthwith to summon a jury of six good and lawful men of their town to appear before him at the time and place fixed in the warrant:—

[SEAL.]

"To either of the constables in the town of ——, in the county of ——, Greeting:—

"In the name of the State of Maine, you are hereby required immediately to summon six good and lawful men of said town of ——, to appear before me, one of the coroners of the county of ——, at the dwelling-house of —— (or at the place called ——), within said town of ——, at the hour of ——, then and there to inquire upon and view the body of ——, there lying dead, how and in what manner he came to his death. Fail not herein at your peril.

"Given under my hand and seal, at ——, the —— day of ——, in the year eighteen hundred and ——."

4. The constable to whom such warrant is directed and delivered shall forthwith execute it, return to the place where the dead body is at the time appointed, and make return of the warrant, with his charges, to said coroner, or he shall forfeit the sum of ten dollars; and every person summoned as a juror neglecting to attend at the time and place appointed, without reasonable excuse, shall forfeit and pay the sum of seven dollars, to be recovered in an action of debt, in the name of the coroner of the county, and for the use of the county.

5. The coroner shall administer to the jurors who appear in view of the body the following oath:—

"You solemnly swear that you will diligently inquire, and true presentment make, on behalf of this State, how, when and in what manner the person, whose body lies dead, came to his death; and you shall return to me a true inquest thereof, according to your knowledge and the evidence heard before you: So help you God."

6. If the six jurors nominated do not appear as commanded, the coroner may require the constable, or any other person he appoints, to return jurors from the by-standers to complete the number.

7. The coroner may issue subpœnas for witnesses, to be served as in other cases, and shall administer to them an oath, as follows:—

"You solemnly swear that the evidence which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, and nothing but the truth: So help you God."

8. The evidence of all the witnesses shall be in writing, and signed by them; and if it relates to the trial of any person concerned in the death, the coroner shall bind such witnesses, by recognizance, in a reasonable sum, for their personal appearance at the next supreme judicial court to be held in the same county, to give their testimony accordingly; and if they do not so recognize, he shall commit them to prison, and return to the same court the inquisition, written evidence and recognizance by him taken.

9. After the coroner has sworn the jurors, he shall charge them to declare whether the person died by felony, mischance or accident; if by felony, who were principals and accessories; the instrument employed, and all important circumstances; if by mischance, or by his own hand, in what manner, and all attending circumstances; and make proclamation for all persons who can give any evidence to draw near and be sworn.

10. The jury, after examining the body, hearing the evidence and making all useful inquiries, shall draw up and deliver to the coroner their verdict, in writing, under their hands and seals, in substance as follows:—

"An inquisition held at ——, within the county of ——, the —— day of ——, in the year ——, before E. F., one of the coroners of said county, upon view of the body of ——, there lying dead, by the oaths of ——, good and lawful men, who, being charged and sworn to inquire for the State when, how and by what means the said —— came to his death, upon their oaths, say (then insert how, when and by what means and with what instrument he was killed).

"In testimony whereof, the said coroner and the jurors of the inquest have hereunto set their hands and seals the day and year aforesaid."

11. If any person, charged by the inquest with causing the death of such person, is not then in custody, the coroner shall have the same power as a trial justice, to issue a warrant for his apprehen-

sion, to be returned before any judge or trial justice, who shall proceed therein according to law.

12. Every coroner within his county, after the return of an inquisition of the jury upon the view of the dead body of a stranger, shall bury the body in a decent manner; and the expenses of the inquisition shall be paid to the coroner out of the State treasury, if the coroner certifies, under oath, that the deceased was a stranger not belonging to the State, according to his best knowledge and belief; otherwise, the expenses of burial shall be paid to the coroner by the town where the body was found, and repaid to such town by the town to which he belonged in the State, and the expenses of the inquisition by the county.

13. The coroner—whether an inquest is held or not—jurors, witnesses and any other person required to summon jurors or witnesses, shall be allowed, in addition to the regular fees, a sum sufficient to make a reasonable compensation for all their services and expenses; and the coroner shall pay to the party giving him notice that a dead body has been found, and to the person who picked up such dead body, and to the person who has had the care of such body until taken charge of by him, a suitable compensation, which shall be reimbursed as for personal services.

MASSACHUSETTS.

1. Coroners, before entering upon the duties of their office, shall be sworn, and give bond in the manner required of sheriffs.

2. The superior court shall, once in each year, examine into the efficiency of the official bonds given by the respective coroners, and if it appears that the bond of any coroner is insufficient, shall cause a record thereof to be made by the clerk, give notice to such coroner, and require him to give a new bond, to the satisfaction of the court, within such time as they order.

3. When a surety upon the official bond of a coroner, or the heirs, executors or administrators of such surety, petition the superior court in the county of the coroner to be discharged from such bond, like proceedings shall be had thereon as are provided in case of a similar petition by a surety on a sheriff's official bond.

4. If a coroner neglects or refuses to give the bond required, or if the condition of his bond is broken, to the injury of any person,

he shall be liable to be removed from office, and be subject to like penalties as sheriffs are in like cases, and any person interested shall have remedies upon the official bond of the coroner in like manner as is provided in the case of official bonds given by sheriffs.

5. Every coroner shall, within his county, when the sheriff is a party, serve and execute all writs and precepts, and perform all other duties of the sheriff, and may serve and execute all such writs and precepts where any county, town, parish, religious society or school district is a party or interested, notwithstanding he is at the time a member of such corporation.

6. When the office of sheriff is vacant, the several coroners of the county may perform all the duties required by law to be performed by the sheriff until another is appointed or elected and qualified, and they have notice thereof.

FEES.

For granting a warrant and taking an inquisition on a dead body, ... $3.00.

If his attendance is required more than one day, for each day after the first, ... 2.00.

If a view is only taken and no inquest is held, . . 2.00.

Which fees shall be paid by the State or county; but if the inquisition or view is upon more than one body at the same time, no additional fee shall be allowed.

For other services, fees allowed to sheriffs for like services.

PASSED FEBRUARY 11, 1878.

Section one hundred and fifty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby amended by substituting for the word "coroner," where the same occurs in said section, the words "medical examiner."

MICHIGAN.

1. That it shall not be competent for justices of the peace, within the incorporated cities of this State in which a county coroner resides, to hold inquests on the view of dead bodies, unless both of the coroners of the county in which they are situate shall be absent or incapacitated to act, from sickness or otherwise; but such inquests, within said city, shall be held by one of the coroners elected for the county in which such cities are severally situate,

whenever, in the judgment of such coroner, an inquest shall be necessary, and that the coroner's jury shall consist of six persons only.

2. That all provisions of law relating to holding such inquests by justices of the peace are hereby made applicable to inquests held or to be held under this act, and that all powers by the general laws of the State conferred upon justices of the peace, relative to such inquests, are hereby conferred upon the coroners of the several counties aforesaid.

3. That any coroner holding such inquest shall have power to summon the attendance of a competent surgeon, whenever he shall deem such attendance necessary; and a chemist may be employed in cases affording reasonable ground of suspicion that death has been produced by poison. Any chemist or surgeon so employed shall, upon the certificate of the coroner acting in the case, receive such compensation for his or their services as shall be allowed by the county auditors of Wayne county, or the supervisors of other counties, as is otherwise provided by law.

FEES.

For all services rendered by them, the same fees as herein allowed to sheriffs for similar services.

For confining a sheriff in any house, on civil process, for each day, to be paid by such sheriff before he shall be entitled to be discharged from such confinement, unless otherwise ordered by the court, ...50.

For the view of a dead body and for taking and returning an inquisition thereon, ... $3.00.

For traveling to the place of such view, for each mile, .06.

For every subpœna, warrant or *venire* for a jury, . .25.

Swearing each witness, ten cents; but the charges for swearing witnesses in any one case shall not exceed fifty cents.

For taking a recognizance, ...25.

All the fees herein allowed to coroners (except for such services authorized to be performed as sheriff, are not chargeable to the county) shall be allowed and paid by the proper county.

MISSOURI.

1. A coroner shall be a conservator of the peace throughout his county, and shall take inquests of violent and casual deaths hap-

pening in the same, or where the body of any person coming to his death shall be discovered in his county, and shall be exempt from serving on juries and working on roads.

2. All coroners, before they enter upon the duties of their office, shall take the oath prescribed by the constitution, and shall give bond to the State of Missouri, in the penalty of at least one thousand dollars, with sufficient sureties, residents of the county, conditioned for the faithful performance of the duties of their office.

3. Every coroner, within the county for which he is elected or appointed, shall serve and execute all writs and precepts, and perform all other duties of the sheriff when the sheriff shall be a party, or when it shall appear to the court out of which the process shall issue, or to the clerk thereof, in vacation, that the sheriff is interested in the suit, related to or prejudiced against any party thereto, or in any wise disqualified from acting; in such case, the county court may require the coroner to give an additional bond.

4. When the office of sheriff shall be vacant, by death or otherwise, the coroner of the county is authorized to perform all the duties which are by law required to be performed by the sheriff until another sheriff for such county shall be appointed and qualified; and such coroner shall have notice thereof; and in such case, said coroner may appoint one or more deputies, with the approbation of the judge of the circuit court; and every such appointment, with the oath of office indorsed thereon, shall be filed in the office of the clerk of the circuit court of the county.

5. The court shall, once in every year, in each county, examine into the sufficiency of the official bond given by the coroner, and if the sureties thereto are insufficient, the said court shall cause a record thereof to be made by their clerk, and shall give notice thereof to said coroner, and require him to give a new bond, to the satisfaction of said court, within such time as they shall order.

6. If a coroner neglect to give bond and qualify within twenty days after his election, or shall fail to give bond when required under the preceding section, his office shall be deemed vacant.

7. Every coroner, so soon as he shall be notified of the dead body of any person, supposed to have come to his death by violence or casualty, being found within his county, shall make out his warrant, directed to the constable of the township where the dead body is found, requiring him forthwith to summon a jury of six good and lawful men, householders of the same township, to

appear before such coroner at the time and place in his warrant expressed, and to inquire, upon a view of the body of the person there lying dead, how and by whom he came to his death.

8. Every such constable to whom such warrant shall be directed shall forthwith execute the same, and shall repair to the place where the dead body is at the time mentioned, and make return of the warrant, with his proceedings thereon, to the coroner who granted the same.

9. Every constable failing to execute such warrant, or to return the same, shall forfeit and pay the sum of eight dollars.

10. Every person summoned as a juror who shall fail to appear, or make a reasonable excuse to the coroner for his non-attendance, within five days after the time appointed within the warrant, shall forfeit and pay the sum of five dollars, which fine shall be recoverable by civil action, at the instance of the coroner and in the name of the State, before any justice of the peace, and be applied to the use of the county.

11. The coroner shall administer an oath or affirmation to the jurors in the following form:—

"You solemnly swear (or affirm) that you will diligently inquire, and true presentment make, how and by whom the person, who here lies dead, came to his death; and you shall deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to your knowledge."

12. As soon as the jury shall be sworn, the coroner shall give them a charge, upon their oaths, to declare of the death of the person; whether he died by felony or accident; and if by felony, who were principals and who were accessories, and all the material circumstances relating thereto; and if by accident, whether by the act of man, and the manner thereof; and who were present, and who was the finder of the body, and whether he was killed in the same place where the body was found; and if elsewhere, by whom, and how the body was brought there, and all other circumstances relating to the death; and if he died of his own act, then the manner and means thereof, and the circumstances relating thereto.

13. When the jury are sworn they shall remain together, and proclamation shall be made for any persons who can give evidence to draw near and they shall be heard.

14. Every coroner shall be empowered to issue his summons for

witnesses, commanding them to come before him to be examined and to declare their knowledge concerning the matter in question.

15. He shall administer to them an oath or affirmation in form as follows:—

"You do swear (or affirm) that the evidence you shall give to the inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth."

16. The evidence of such witnesses shall be taken down in writing and subscribed by them; and if it relate to the trial of any person concerned in the death, then the coroner shall bind such witnesses, by recognizance, in a reasonable sum, for their appearance before the court having criminal jurisdiction of the county where the felony appears to have been committed, at the next term thereof, there to give evidence; and he shall return to the same court the inquisition, written evidence and recognizances by him taken.

17. The jury, having viewed the body, heard the evidence and made all the inquiry in their power, shall draw up and deliver to the coroner their verdict upon the death under consideration, in writing, under their own hand, and the same shall be signed by the coroner.

18. The coroner, upon an inquisition found before him of the death of any person by the felony of another, shall speedily inform one or more justices of the peace of the proper county, or some judge or justice of some court of record, and it shall be the duty of such officer forthwith to issue his process for the apprehension and securing for trial of such person.

19. If the coroner is unable to take the inquest, or if he reside at a greater distance than ten miles from the place where the body is found, any justice of the peace, or any judge or justice of some court of record of the proper county, may take the inquest and perform all the duties hereby enjoined on the coroner.

20. If the constable of the proper township is unable to execute the duties required by this chapter, the officer taking the inquest may direct his warrant to any householder of the county, who shall perform the duties of constable, be subject to the same penalties and entitled to the same fees.

21. Whenever an inquest shall be held, if there be no relative or friend of the deceased, nor any person willing to bury the body,

nor any person whose duty it is to attend to such burial, the coroner shall procure a cheap, plain coffin, and cause a grave to be dug, and the body to be conveyed thereto and buried. It shall be the duty of the coroner, in so doing, to avoid all unnecessary expense, and to render to the court an accurate statement of all money expended by him for such purpose; and the county court shall make to him a reasonable allowance for his actual expenses in procuring the coffin, hauling the body to the grave, digging the grave and burying the body, and also a reasonable allowance, according to the circumstances, for his own time and services in attending to such preparations and burial.

22. If a dead body be floating in the river, the coroner may, in his discretion, pay to some person, for bringing it to the shore, a sum not exceeding one dollar, which shall also be allowed to him by the court.

23. For taking down the testimony at an inquest, the coroner shall be allowed ten cents for every hundred words, and twenty-five cents for certifying the same.

24. The coroner of St. Louis county shall take the place and perform the duties of marshal, in similar cases to those where by law he is required to perform the duties of sheriff.

25. If an inquest be held over the body of a minor, the parent, guardian or master of the same shall be liable for the costs and expenses, if there be any such person able to pay the same. If the person over whose body an inquest shall be held shall have any estate, the costs and expenses of inquest and burial shall be paid out of his estate; but where there is no person liable and able to pay such expenses, they shall be allowed by the county court out of the county treasury.

26. When a physician or surgeon shall be called on by the coroner, or any magistrate of the county acting as the coroner, to conduct a *post-mortem* examination, the county court of said county shall be authorized to allow such physician or surgeon, to be paid out of the county treasury, any sum as a fee, not exceeding ten dollars, to any physician or surgeon who may be engaged in said examination.

27. The coroner or other officer holding an inquest, as provided for by this chapter, shall present to the county court a certified statement of all the costs and expenses of said inquest, including his own fees, the fees of jurors, witnesses, constables and others

entitled to fees for which the county is liable; and the county court shall audit and allow the same, and shall make a certified copy of the same, without delay, and deliver such copy to the county treasurer, which copy shall be deemed a sufficient warrant or order on the treasurer for the payment of the fees therein specified to each person entitled to such fees. The county treasurer shall pay to each person, on demand, or to his legal representative, the fees to which he is thus entitled, and shall take the proper receipt therefor, and produce the same in his settlement with the county court as vouchers for the money paid out by him.

FEES.

28. Coroners shall be allowed fees for their services as follows, provided that when persons come to their death at the same time, or by the same casualty, fees shall only be paid as for one examination:—

For the view of a dead body, ...	$5.00.
For issuing a warrant summoning each jury of inquest,	.75.
For swearing each jury, ...	.50.
For each subpœna for witnesses, ...	.25.
For taking each recognizance	.25.
For going from his residence to the place of viewing a dead body and returning, each mile, ...	.08.

The above fees, together with the fees allowed jurors, constables and witnesses, in all inquests, shall be paid out of the county treasury as other demands.

For performing the duties of sheriff, the coroner shall be entitled to the same fees as are, for the time being, allowed to sheriffs for the same service.

Passed May 1, 1879.

1. Section one of the law to which this is amendatory is hereby so amended as to read as follows:—

Sect. 1. All general laws relating and applicable to the sheriffs and coroners of the several counties of this State shall apply to the same officers in the city of St. Louis, and all special laws applicable to the sheriff, marshal or coroner of St. Louis county, as organized before the separation of the city and county of St. Louis by the adoption of the scheme of separation, shall still apply to the sheriff

or coroner in the city of St. Louis; and all acts and parts of acts providing for any legal process to be directed by any sheriff or coroner of any county, or the marshal of St. Louis county, shall be so construed as to mean the sheriff or coroner of the city of St. Louis, as if such officer were specifically named in such act.

MISSISSIPPI.

1. He shall take the oath of office required by the constitution, and enter into bond, with two or more good freehold securities, approved by the president and clerk of the board of supervisors, and both deposited with the latter, in the penalty of two thousand dollars, conditioned according to law; and if, by death, resignation or other disability of the sheriff, the coroner shall act as sheriff, he shall be required to give bond required from the sheriff of the county, and with the same conditions and provisions. The coroner shall also be county ranger, and shall perform all the duties of and be liable to all the penalties of county ranger.

2. Every coroner shall, upon view of the body, take inquests of deaths in prison, and of all violent, sudden or casual deaths within his county, and the manner of such deaths; and as soon as he shall have notice, or be certified of any death, as aforesaid, he shall make out a precept, directed to the sheriff or any constable of the county where the dead body is found or lying, requiring him to summon six good and lawful men of the same county to appear before him at the time and place in such precept mentioned; but if a person is killed in the presence of witnesses, or comes to his death by a known accident, it shall not be necessary to have an inquest, which precept shall be in the form or to the effect following, to wit:—

"The State of Mississippi,

—— *County, ss:*

"To the sheriff or any constable of the said county.

"You are requested, immediately upon sight hereof, to summon six good and lawful men of the said county of —— to appear before me, A. B., coroner of said county, at ——, in said county, on the —— day of ——, at the hour of ——, in the ——noon of said day, then and there to inquire of, do and execute all such things as, on behalf of the State, shall be lawfully given them in charge, touching the death of C. D. (or a person unknown, as the case may

be), and before them and there to certify what you shall have done in the premises; and, further, to do and execute what, in behalf of the State, may then and there be enjoined on you.

"Given under my hand ——, in the said county, the —— day of ——, A. D. ——."

3. The sheriff or constable to whom such precept shall be delivered shall forthwith execute the same, and shall repair to the place at the time mentioned therein, and make return of the said precept, with his proceedings thereon, to the coroner who issued it.

4. The coroner shall also issue process for witnesses to come before him to be examined and to declare their knowledge concerning the matter in question; and the coroner shall administer to each witness an oath or affirmation in the form or to the effect following:—

"You do solemnly swear (or affirm) that the evidence you shall give to this inquest, on behalf of the State, touching the death of C. D. (or person unknown), shall be the truth, the whole truth, and nothing but the truth."

5. The coroner shall swear or affirm the jurors, upon view of the body, "Diligently to inquire, and true presentment make, on behalf of the State of Mississippi, how or in what manner C. D. (or a person unknown, as the case may be), here lying dead, came to his death, and of such other matters relating to the same as shall be lawfully required of you, according to the evidence: So help you God."

6. If any sheriff or constable shall neglect or refuse to execute the services and duties, or any of them, by this article prescribed, or if any person summoned as a juror or witness shall fail to appear, the coroner shall certify and return the facts to the next circuit court held in and for the county, which court, unless a reasonable excuse be offered, shall set such fine upon the sheriff, constable, juror or witness, so offending, as shall be fit and reasonable, not exceeding one hundred dollars, to be paid into the county treasury; and the coroner shall have power to issue an attachment to compel the attendance of defaulting witnesses.

7. When the jurors are summoned or appointed as aforesaid, the coroner shall give them a charge, upon their oaths or affirmation, to declare of the death of the person; whether he or she died by murder, manslaughter, misadventure, misfortune, accident or other-

wise, and when and where, and by what means, and in what manner; and if by murder, who were principals and who were accessories; and if by manslaughter, who were the perpetrators, and with what instrument the stroke or wound was, in either case, given; and so of all prevailing circumstances which may come by presumption; and if by misadventure, misfortune, accident or otherwise, whether by the act of God or man, and whether by hurt, fall, stroke or drowning, or in any other way; to inquire what persons were present at the death, from whence the deceased came, and who he or she was, and his or her parents, relatives or neighbors; who were the finders of the body; whether killed in the same place where he or she was found; or if elsewhere, by whom, and how he or she was brought from thence, and of all the circumstances relating to the said death; and if he or she died in prison, whether of hard usage there or not; and if so, how and by whom; and if he or she put an end to his or her own life, then to inquire of the manner, means or instrument, and of all the circumstances concerning it.

8. If any person be found guilty, by inquisition taken in the manner directed by this article, and be not in custody, the coroner shall forthwith issue his warrant to apprehend the person so found guilty, and the accessories, if any; and the person accused, if apprehended, shall forthwith be taken before some justice of the peace of the county where the offence was committed, to be dealt with according to law.

9. Every coroner, upon an inquisition before him found, whereby any person or persons shall be charged on account of murder or manslaughter, either before or after the commission thereof, shall put in writing so much of the evidence given to the jury before him as shall be material; and every such coroner is hereby authorized and required to bind all such, by bond or recognizance, as do declare anything material to prove the said murder or manslaughter, or to prove any person or persons to be accessory or accessories, as aforesaid, to the said murder, to appear at the next circuit court to be holden within the county where the trial thereof shall be, then and there to give evidence against such offender or offenders, at the time of his, her or their trial; and shall certify as well the same evidence as such bonds or recognizances, in writing, as he shall, together with the inquisition before

him taken and found, to the said circuit court, at or before the time of trial of the party so charged or accused.

10. Whenever it may be necessary, in order to ascertain the cause of death, the coroner, at the written request of a majority of the jurors, may cause some surgeon or physician to appear as a witness, upon the taking of such inquest, and the fee of said surgeon or physician shall in no case exceed ten dollars; *Provided*, that if the examination of said surgeon or physician be made by dissection or chemical analysis before the body has been interred, he shall be allowed the sum of fifty dollars; but if made after the body has been interred, the sum of one hundred dollars shall be paid, as the coroner's fees are paid by law; and it shall be the duty of the coroner to deliver to said surgeon or physician the said written request of the jurors and copy of the verdict, both certified by him, and the fee shall be paid on the presentation thereof.

11. In all cases the finding of the jury, together with the precept and all the proceedings before the coroner, shall be returned by him to the clerk of the circuit court, to be carefully preserved in his office.

12. If, upon a murder or other untimely or accidental death, there be no coroner in the county where such case shall happen, or if, from any cause, the coroner cannot be had in due time to hold an inquest, it shall be lawful for any justice of the peace in such county to do and perform all the duties appertaining to the office of coroner in such case, and to receive the same fees; and the inquest so taken and returned shall be as effectual in law as if taken and returned by the coroner.

13. When an inquest shall be held upon the body of any person who has died by the violence of another, the cost of such inquest shall be paid from the treasury of the State; and in case of an inquest on the body of a person who has died by casualty or suicide, such cost shall be paid from the county treasury; and in either case, a copy of the verdict of the jury, certified by the clerk of the circuit court, shall be a sufficient voucher to the auditor or treasurer to authorize such payment.

14. If, hereafter, there shall, from any cause whatever, be a vacancy in the office of sheriff in any county within this State, or the sheriff be a party or interested in any suit, or for other just cause is rendered incapable or unfit to execute his office in any particular case, the coroner of such county shall, during such vacancy, in the

cases wherein such sheriff is disqualified or unfit to act as aforesaid, execute, do and perform all the duties which appertain to the office of sheriff; and in every case whereby such vacancy or exception to the sheriff, any writ, of what nature soever the same may be, shall be delivered to the coroner of such county to execute, such coroner shall do and perform all things by virtue of such writ which the sheriff himself might or ought to have done had there been a sheriff duly qualified, or no just exception had existed against him, according to the nature of the case; and in case of any neglect or breach of his duty, such coroner shall be subject to the same fines, penalties, forfeitures and damages, and to the same proceedings, judgment and execution as sheriffs are subject to in like cases; but the coroner shall not execute the office of tax collector.

15. In all cases where a remedy—necessary or otherwise—is given against any coroner, the like remedy may be had against such coroner and his sureties, jointly or severally, and against the executors and administrators of such coroner and his sureties.

16. Coroners shall have like powers with sheriffs to appoint deputies, who may perform all acts and duties enjoined upon their principals, except only the taking of an inquisition; and coroners shall have the same remedies against their deputies for any breach or neglect of duty which sheriffs have against their deputies in like cases.

17. In case the sheriff, for any cause, shall be committed to jail, the coroner shall, by himself or such persons as he shall appoint, be keeper of the jail during the time the sheriff shall remain a prisoner.

MARYLAND.

1. Every coroner, before he acts as such, shall, within sixty days after his appointment, and in each year thereafter, give bond to the State of Maryland, with sureties approved by the judges of the orphans' court, or some of them, in the penalty of three thousand dollars, with a condition that he will well and truly execute the office of coroner in all things thereunto belonging; and shall also well and faithfully execute and return all writs or other process to him directed; and shall also pay and deliver to the person or persons entitled to receive the same all sums of money, all goods and chat-

tels by him levied, seized or taken, agreeably to the directions of the writ or other process under which the same shall have been levied, seized or taken; and shall also keep and detain in safe custody all and every person committed to his custody, or by him taken in execution, or who shall be committed for the want of bail, without suffering them to depart from his custody; and shall also satisfy and pay all judgments which shall be rendered against him as coroner; and shall also well and truly execute and perform the several duties required of and imposed upon him by the laws of this State; and the said bond shall, immediately after the execution thereof, be recorded in the office of the clerk of the superior court of Baltimore city, if he is coroner of said city.

2. The provisions of this code in relation to the return of process in the hands of a sheriff upon his death or removal, shall apply to process in the hands of a coroner upon the happening of the like event.

3. No coroner shall summon or hold any jury of inquest over the body of any deceased person, where it is known that the deceased came to his death by accident, mischance or in any other manner, except where the said person died in jail, or where there are such circumstances attending the death as to amount to a strong probability or reasonable belief that the deceased came to his death by felony.

4. Whenever a jury shall be convened by a coroner, or justice of the peace acting as coroner, on the body of any person found dead, or supposed to have died from violence, within this State, whereon any marks of violence shall appear, the jurors, after being sworn, and also the coroner or justice, may require the attendance of some physician practicing within the county where such jury shall meet, to inform himself, by due examination of the deceased, of the cause of his death, and to testify and give evidence before the said jury and coroner or justice in the premises.

5. If any physician, summoned to testify on a coroner's inquest, shall neglect or refuse to attend or to make the examination required by the preceding section, or to give evidence as aforesaid, he may be fined as any other witness.

6. The said coroner or justice, in the account of expenses rendered to the county commissioners for holding such inquest, shall include such sum for said physician as the said coroner or justice and jurors shall deem just—not less than five nor more than ten

dollars—which sum shall, with the other expenses of the inquest, be paid by the county.

7. Whenever it shall be necessary for a coroner to bury any deceased person, he shall provide a coffin and decently bury him; and the county commissioners of the county where the person shall have been found shall make such allowance to said coroner as they may deem just and reasonable therefor, to be levied and paid as other county or city charges.

8. In all cases where the sheriff is interested or nearly related to any of the parties, or otherwise disqualified to act, all process shall be issued to the coroner—if there be one in the county or city qualified to act in such case,—who shall perform all the duties of such disqualified sheriff, and be subject to the same liabilities and be proceeded against in the same manner, and shall have the same rights and remedies.

FEES.

Every coroner shall be entitled to demand and receive the following fees, to wit:—

For viewing the body of any person or persons murdered or slain, or otherwise dead by misadventure, to be paid out of the goods and chattels of the party so dead, if any there be; otherwise to be levied by the county commissioners of the county where such accident shall happen, ... $5.00.

For arresting or summoning any sheriff sued or prosecuted in any court, and for taking security, ...45.

The same fees allowed wherein the sheriff is plaintiff or defendant, on all process as to the sheriff, and no more.

Each juror who may serve on a coroner's inquest shall be entitled to fifty cents, and the constable who may be directed by any coroner or justice to summon such jury, or the coroner, if the jury be summoned by him, shall be entitled to twelve and a half cents for each juror summoned, to be paid as above directed.

MINNESOTA.

1. A coroner shall be elected in each organized county for the term of two years and until his successor is elected and qualified, who shall, before he enters upon the duties of his office, give bond to the board of county commissioners, in such penal sum—not less

than five hundred dollars nor more than ten thousand dollars—with such sufficient securities—not less than two, as the said board directs and approves,—the condition of which bond shall be, in substance, the same as that required to be given by the sheriff, except in the description of the office, and take the oath required by law, which bond and oath shall be filed and recorded in the office of register of deeds.

2. When there is a vacancy in the office of sheriff, the coroner shall exercise the process and duties of said office until a sheriff is elected and qualified; and when the sheriff, for any crime, is committed to the jail of his county, said coroner shall be keeper thereof during the time the sheriff remains a prisoner therein.

3. Whenever the coroner executes the office of sheriff, he shall perform all the duties and be subject to all liabilities and penalties imposed by law upon a sheriff duly elected and qualified.

4. Every coroner shall serve and execute process of every kind, and perform all other duties of the sheriff, when the sheriff is a party in the action, or whenever affidavit is made and filed as provided in the succeeding section; and in all such cases he shall exercise the same powers and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

5. Whenever any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff of such county will not, by reason either of partiality or prejudice, consanguinity or interest, faithfully perform his duties in any action commenced or about to be commenced, the clerk shall direct all process in such action to the coroner.

6. Coroners shall take inquests upon view of the dead body of such persons only as are supposed to have come to their death by violence, and not when the death is believed to have been, and was, evidently, occasioned by casualty.

7. As soon as the coroner has notice of the dead body of any person supposed to have come to his death by violence, found or lying within his county, he shall make his warrant to the constable of the election district where such dead body is, or one of the adjoining election districts in the same county, requiring such constable forthwith to summon six good and lawful men of the county to appear before such coroner at the time and place expressed in such warrant; and the warrant may be in substance as follows;—

"STATE OF MINNESOTA,

County of ——, *ss:*

"The State of Minnesota to any constable of the county of ——, Greeting:—

"You are hereby commanded immediately to summon six good and lawful men of the county of ——, to appear before me, coroner of said county (state place and time), then and there to inquire, upon view of the body of ——, there lying dead, how and by what means he came to his death. Hereof fail not.

"Given under my hand the —— day of ——, A.D.

—— ——, Coroner."

8. The constable to whom such warrant is directed and delivered shall forthwith execute the same, and shall, at the time mentioned in the warrant, repair to the place where the dead body is and make return thereof, and of his doings therein, to the coroner, under his hand; and any constable who unnecessarily neglects or fails to execute or return such warrant, shall forfeit the sum of five dollars; and if a person summoned as a juror fails to appear, without a reasonable excuse therefor, he shall forfeit the sum of five dollars; each of which forfeitures may be recovered to the care of the county by civil action, to be brought by the coroner before any justice of the peace in the county.

9. When the jurors who have been summoned appear, the coroner shall call over their names; and then, in view of the dead body, administer to them the following oath:—

"You do solemnly swear (or affirm, as the case may be) that you will diligently inquire, and due presentment make, on behalf of the State of Minnesota, when, how and by what means the person, whose body lies before you dead, came to his death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God."

If the jurors, or any of them, shall not appear, the coroner may require the constable, or any other person whom he shall appoint, to return other jurors until a jury is obtained.

10. The coroner may issue subpœnas for witnesses, returnable forthwith, or at such time and place as he shall direct. The persons served with subpœnas shall be allowed the same fees and their attendance shall be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they had

been served with a subpœna in behalf of the State of Minnesota, to attend in a criminal action before a justice of the peace.

11. An oath to the following effect shall be administered to the witnesses by the coroner:—

"You do solemnly swear that the evidence you shall give to this inquest, concerning the death of the person here lying dead, shall be the whole truth, and nothing but the truth: So help you God."

12. The testimony of all witnesses examined before any inquest shall be reduced to writing by the coroner, or some other person by his direction, and be subscribed by the witnesses respectively.

13. The jury, upon inspection of the dead body, and after hearing the testimony and making the needful inquiries, shall draw up and deliver to the coroner the inquisition, under their hands, in which they shall find and certify when, how and by what means the deceased person came to his death, and his name, if it was known, together with all the material circumstances attending his death; and if it appears that his death was caused by criminal violence, the jurors shall further state who were guilty, either as principals or accessories, if known, or were in any manner the cause of his death, which inquisition may be in substance as follows:—

"STATE OF MINNESOTA,

County of ——, *ss:*

"An inquisition taken at ——, in the county of ——, on the —— day of ——, A. D. ——, before ——, coroner of the said county of ——, upon view of the body of —— (or a person), lying there dead, by the oaths of the jurors whose names are hereunto subscribed, who, being sworn to inquire on behalf of the State of Minnesota when, how and by what means the said —— (or person) came to his death, upon their oaths, do say (then insert when, how and by what person, means, weapon or instrument he was killed).

"In testimony whereof, the said coroner and jurors of this inquest have hereunto set their hands the day and year aforesaid."

14. If the jury find that any murder, manslaughter or assault has been committed on the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court to be held in the same county at which indictment for such offence can be found; he shall also return to the same court the inquisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail

of the county any witnesses who refuse to recognize in such manner as he shall direct.

15. If any person charged by the inquest with having committed such offence is not in custody, the coroner shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace, or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner that is required of justices of the peace (or other court) in like cases.

16. When any coroner takes an inquest, upon view of the dead body of any person unknown, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest should be taken, he shall cause the body to be decently buried, and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found.

17. Every coroner is authorized and required to appoint one or more deputy coroners, who shall, in the absence or inability to act of the coroner, possess the same powers and be subject to the same liabilities as coroners. Such deputy shall be appointed in writing, and, before entering upon the duties of his office, shall take and subscribe the oath required by law, and give bond to the board of county commissioners, with sureties to be approved by said board, in such sum—not less than five hundred dollars nor more than five thousand dollars—as said board directs, conditioned for the faithful performance of his official duties; which bond, oath and appointment shall be filed and recorded in the office of register of deeds.

18. Each deputy shall act in his own name as deputy coroner, and hold his office during the pleasure of the coroner; and whenever a vacancy occurs in the office of coroner, the board of county commissioners, at their first session thereafter, shall appoint some suitable person to fill such vacancy until the next general election, and until a successor is elected and qualified.

FEES.

For all services rendered by coroners, they shall receive the same fees allowed to sheriffs for like services; and for an inquest or examination of a dead body, they shall receive five dollars per day for the time actually spent, and ten cents per mile to and from the place where such inquest or examination shall take place.

There shall be allowed to physicians, called by the coroner to make any professional *post-mortem* examination, six dollars per day, and ten cents per mile for actual distance traveled in going to and from the place of holding such inquest or examination.

NEBRASKA.

1. The coroner of each county shall, before entering upon the discharge of his official duties, give bond in the sum required of sheriffs.

2. When there shall be no sheriff in the county organized for judicial purposes, it shall be the duty of the coroner to exercise all the powers and duties of the sheriff of his county until a sheriff is elected and qualified.

3. Every coroner shall issue and execute process of every kind, and perform all other duties of the sheriff when the sheriff shall be a party to the case, or whenever affidavit shall be made and filed as provided in the succeeding section; and in all such cases, he shall exercise the same powers and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

4. Whenever any party, his agent or attorney, shall make and file with the clerk of the proper court an affidavit stating that he believes the sheriff of such county will not, by reason of either partiality, prejudice, consanguinity or interest, faithfully perform his duties in any suit commenced or about to be commenced in said court, the clerk shall direct the original or other process in such writ to the coroner, who shall execute the same in like manner as the sheriff might or ought to have done; and if like objection shall be made to the coroner, by either party, the court shall appoint some suitable person to whom such objection does not apply.

5. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. When he has notice of the dead body of a person, supposed to have died by unlawful means, found or being in his county, he is required to issue his warrant to a constable of his county, requiring him to summon forthwith six lawful men of the county to appear before the coroner at a time and place named in the warrant.

6. The warrant may be in substance as follows:—

"STATE OF NEBRASKA,

——*County.*

"To any constable of said county.

"In the name of the people of the State of Nebraska, you are hereby required to summon forthwith six lawful men of your county, to appear before me at —— (name the place), on the —— day of ——, 18 —, then and there to hold an inquest upon the dead body of ——, there lying, and by what means he died.

"Witness my hand this —— day of ——, A. D. 18—."

7. The constable shall execute the warrant, and make return thereof at the time and place therein named.

8. If any person fails to appear, the coroner shall cause the proper number to be summoned or returned from the by-standers immediately, and proceed to impanel them and administer the following oath in substance:—

"You do solemnly swear that you will diligently inquire, and true presentment make, when, how and by what means the person, whose body lies here dead, came to his death, according to your knowledge and the evidence given you: So help you God."

9. The coroner may issue subpœnas within his county for witnesses, returnable forthwith, or at such time and place as he shall therein direct; and witnesses shall be allowed the same fees as in cases before a justice of the peace.

10. An oath shall be administered to the witnesses as follows:—

"You do solemnly swear that the testimony which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God."

11. The jurors, having inspected the body, heard the testimony, and made all needful inquiries, shall return to the coroner their inquisition, in writing, under their hands, in substance as follows, and stating the matter in the following form, as near as practicable:—

"STATE OF NEBRASKA,

—— *County.*

"An inquest holden at ——, in —— county, on the —— day of ——, A. D. 18—, before me, ——, coroner of said county, upon the body of ——, lying dead, by the jurors whose names are hereto subscribed, the said jurors, upon their oaths, do say (here state

when, how, by what person, means, weapon or accident he came to his death, and whether feloniously).

"In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid.

"Attest: —— ——, Coroner."

12. If the person charged be present, the coroner may order his arrest by an officer or any other person present, and shall then make a warrant requiring the officer or other person to take him before a justice of the peace for examination; or if the person charged be not present, and the coroner believe he can be taken, he may issue a warrant to the sheriff or constable, requiring him to arrest the person and take him before a justice of the peace for examination.

13. The warrant of a coroner, in the above stated cases, shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice, he shall be dealt with as a person held under a complaint in the usual form.

14. The warrant of the coroner shall recite substantially the verdict of the jury of inquest, and such warrant shall be a sufficient foundation for the proceedings of the justice, instead of a complaint.

15. The coroner shall return to the district court the inquisition, the process connected with the same, and a list of the names of witnesses who testify in the matter.

16. The coroner shall cause the dead body of each deceased person which he is called to view to be delivered to the friends of the deceased, if there be any; but if there be none, he shall cause the body to be decently buried, and the expenses shall be paid from any property belonging to the deceased; or if there be none, from the county treasury, by warrant thereon.

17. When there is no coroner, and in case of his absence or inability to act, the sheriff of the county is authorized to discharge the duties of coroner in relation to dead bodies.

18. If the coroner or jury deem it necessary, for the purpose of an inquisition, to summon any surgeons, the coroner shall issue his subpœnas for them, prepared the same as for any other witness.

19. The coroner is hereby authorized and required, on a request of a majority of the coroner's jury, to issue his warrant for any person suspected of having committed the crime of murder, and hold such person on said warrant until the inquest over the body is closed.

20. The verdict of the coroner's jury, charging any person with murder or manslaughter, shall have the same force and effect as the finding of a bill of indictment by the grand jury, until the case shall have been investigated by a grand jury, and they shall have made their return thereon.

FEES.

For viewing a dead body, ten dollars; summoning and qualifying on inquest, fifty cents; drawing and returning inquisition, for each ten words, one cent; for the physician making *post-mortem* examination of dead body, not less than ten dollars, and in cases requiring careful and difficult dissection, or an analysis of poisons, not to exceed in any case fifty dollars, to be paid out of any goods, chattels, lands and tenements of the slayer (in case of murder or manslaughter), if he hath any; otherwise by the county, with mileage or distance actually traveled to and from the place of viewing the dead body. For all other services rendered, the same fees as are allowed the sheriff, and milage.

NEVADA.

1. When a justice of the peace, acting as coroner, has been informed that a person has been killed or committed suicide, or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, he shall go to the place where the body is, and summon not less than six nor more than twelve persons, qualified by law to serve as jurors, to appear before him forthwith, at the place where the body is, to inquire into the cause of the death.

2. Every person summoned as a juror who shall fail to appear, without having a reasonable excuse, shall forfeit any sum not exceeding one hundred dollars, to be recovered by the justice of the peace acting as coroner, in his official capacity, in any court of competent jurisdiction, and paid by him into the county treasury.

3. When six or more of the jurors attend, they shall be sworn by the justice of the peace, acting as coroner, to inquire who the person was, and where and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict thereon according to the evidence.

4. The justice of the peace, acting as coroner, may issue sub-

pœnas for witnesses, returnable as he may direct, and served by himself or such person as he may direct He must summon and examine as witnesses every person who, in his opinion, or that of any of the jurors, has any knowledge of the facts, and he may summon a surgeon or physician to inspect the body.

5. Any witness failing to obey the subpœna of the justice of the peace, acting as coroner, may be attached and fined for contempt of such jury, in like manner as in a justice's court.

6. After inspecting the body and hearing the testimony, the jury shall render their verdict, and certify the same by an inquisition, in writing, signed by them, setting forth the name of the deceased, when, where and by what means he came to his death; if by criminal means, the name of the person causing the death.

7. The testimony at such inquest shall be reduced to writing by the justice of the peace, acting as coroner, or as he may direct, and by him, without delay, filed in the office of the district court of the county.

8. If the jury find that the person was killed by another, under circumstances not excusable or justifiable in law, and the party committing the act be not in custody, the justice of the peace, acting as coroner, shall issue a warrant, signed by him, with his name of office, for the arrest of the accused.

9. The warrant of the justice of the peace, acting as coroner, may be served in any county of the State, and returned by the officer serving before a magistrate of the county in which it is issued; the officer receiving such warrant shall have the same power under the warrant as by virtue of a warrant from any court or magistrate of the State.

10. It is hereby made the duty of the justice of the peace, acting as coroner, to deliver, without delay, to the treasurer of the county, any money or property which may have been found with the deceased, unless taken from his possession by legal authority; and if the justice of the peace, acting as coroner, fail to pay or deliver such money or property to the treasurer, the treasurer may recover the same by action of law.

11. Upon the payment of money into the treasurer's office, in such case he shall place it to the credit of the county. If it be property, he shall proceed, upon reasonable notice, to sell the same at public sale, and place the proceeds to the credit of the county.

12. If the money be demanded within six years, the treasurer

shall pay the same to the person legally authorized to receive it, after deducting the expenses of the inquest and of the county in the matter; but the same may be paid, at any subsequent time, to the representatives of the deceased, upon an order from the tribunal invested with the power to allow claims against the county.

13. The justice of the peace, acting as coroner, shall, before his claim is allowed for such inquest, file with such claim an affidavit setting out the amount of money or property found with the deceased, and the disposition of the same by him.

14. After the inquest, if no one take charge of the body, it shall be the duty of the justice of the peace, acting as coroner, to cause the same to be decently buried, and pay the expense thereof from any money found with the deceased; if no such money is found, then the same shall be charged against the county. The justice of the peace, acting as coroner, shall receive the sum of five dollars out of the county treasury for attending the burial of such body.

15. *An Act Creating the Office of Coroner of the County of Storey, and Defining his Duties.*

[Approved February 20, 1864].

16. The office of coroner is hereby created for the county of Storey.

17. Said coroner shall, before entering upon the discharge of the duties of his office, take the oath prescribed by law, and give a bond in the sum of five thousand dollars ($5,000) for the faithful discharge of his duties as such coroner, which bond shall be approved by the probate judge of said county of Storey.

18. Said coroner shall perform all the duties required of, and have the same powers as, the justice of the peace, acting as coroner, prescribed in the act entitled "An act concerning coroners," approved November twenty-eighth, eighteen hundred and sixty-one, for the said county.

19. Said coroner shall perform the duties of sheriff in Storey county in all cases where the sheriff is interested or otherwise incapacitated from serving; and also, in cases of vacancy, by death, resignation or otherwise, in the office of sheriff, the coroner shall discharge the duties of such office until a sheriff is elected and qualified.

20. Immediately after the passage of this act, the commissioners of Storey county shall appoint a coroner, who shall hold his office

until the general election in September, eighteen hundred and sixty-five, and until his successor is elected and qualified.

21. So much of an act entitled "An act concerning coroners," approved November twenty-eighth, eighteen hundred and sixty-one, and an act entitled "An act providing for the appointment of elisors," approved December tenth, eighteen hundred and sixty-two, as conflicts with this act, is hereby repealed, so far as the same may effect the county of Storey.

FEES.

The fees of coroner shall be as follows:—

For all services in summoning a jury of inquest,	$5.00.
For swearing a jury,	1.00.
For issuing a warrant of arrest,	1.00.
For issuing subpœnas, for each witness,	.25.
For each mile necessarily traveled in going to the presence of the dead body,	.75.
For swearing each witness,	.25.
For taking down testimony, per folio,	.30.

All of the said fees shall be paid out of the county treasury, as other demands.

For all services by him while acting as sheriff, the same fees as are allowed to sheriffs for similar services.

NEW HAMPSHIRE.

1. The coroner shall take an inquest upon the view of the dead body of any person whose death is supposed to have been occasioned by violence or casualty, within the county for which he is commissioned, whenever the majority of the selectmen of the town in which such dead body is found, the solicitor for the county or the attorney-general shall, in writing, signed by them, authorize the same.

2. Any justice of the peace and quorum shall have and exercise the same powers, under like written authority, and be entitled to the same compensation as a coroner, under this chapter.

3. In every such case, the coroner shall issue a summons, directed to three reputable persons, one of whom shall be a justice of the peace, requiring them to appear before him at a time and place therein specified, as jurors, which shall be in substance as follows:—

[SEAL.]

"THE STATE OF NEW HAMPSHIRE,

—— *County, ss:*

"In the name of the State of New Hampshire, you are hereby required to appear before me, ——, one of the coroners of the county of ——, at the dwelling-house of —— (or at the place called ——), in the town of ——, on the —— day of ——, at —— o'clock in the ——noon, then and there to inquire, upon a view of the dead body of —— (or a person unknown), there lying dead, how and in what manner he came to his death. Fail not of appearance, at your peril.

"Given under my hand and seal, at ——, in said county, the ——. —— ——, Coroner."

4. Service of such summonses may be made upon each juror, by any officer authorized to serve process, by reading the same to him, or by giving him a true and attested copy thereof; and he shall make return thereof to the coroner, at the time and place of the inquest.

5. If any person summoned as a juror as aforesaid, without reasonable excuse, fails of appearance, or if any officer, without sufficient cause, fails to make due service or return of any such summons, he shall forfeit ten dollars.

6. If any person named in such summons fails to attend at the time and place of taking such inquest, the coroner may cause another person to be summoned in his stead.

7. The coroner shall administer to the jurors the following oath:—

"You do solemnly swear that you will diligently inquire, and true presentment make, in behalf of this State, how and in what manner ——, who here lies dead, came to his (or her) death; and that you will deliver to me, ——, one of the coroners of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to your knowledge: So help you God."

8. The coroner may issue a subpœna for any witness, or compulsory process, if necessary, in the same manner as a justice might upon a complaint; and the powers, duties and liabilities of the coroner, officer or witness shall be the same as in such case.

9. The jurors having been sworn, the coroner shall give them a charge, upon their oaths, to declare the death of the person;

whether he died of felony, mischance or accident; and if of felony, whether he died of his own or of another; if of the felony of another, who were the principals and who accessories; with what instrument he was struck or wounded, and all important circumstances; if he died of his own felony, the manner, means and instrument thereof, and all circumstances attending it; if by mischance or accident, how and in what manner; and in all cases to inquire whether he was killed in the place where found, or elsewhere; and if elsewhere, how and by whom he came to such place; and every fact relating to the cause of death which the finder of the body, or any other person, may know.

10. The jurors being charged, shall stand together, and the coroner shall cause proclamation to be made for all persons who can give evidence how and in what manner the person then and there lying dead came to his death, to draw near and be sworn.

11. The coroner shall administer to every witness the following oath:—

"You solemnly swear that the testimony which you shall give to this inquest, concerning the death of ——, here lying dead, shall be the whole truth, and nothing but the truth: So help you God."

12. The testimony of every witness shall be drawn up in writing and subscribed by him; and if his testimony charge any person with killing or being in any way instrumental in the death of the person so found dead, the coroner shall bind such witness, by recognizance, in a reasonable sum, for his personal appearance at the next trial term of the supreme court for the same county, there to give evidence accordingly. If such witness refuses to recognize as aforesaid, the coroner shall commit him to the common jail.

13. The jury, having viewed the body, heard the evidence and made all inquiries in their power, shall draw up and deliver to the coroner their verdict upon such death, in writing, under their hands, and the coroner shall set his hand and seal thereto, and shall return the same, with all recognizances, if any by him taken, to the next trial of the supreme court.

14. The form of the inquisition shall be in substance as follows:—

"The State of New Hampshire,

——, *ss:*

"An inquisition taken at ——, in said county, the —— day of ——, in the year ——, before ——, one of the coroners of said

county, upon the view of the body of ——, there lying dead, by the oaths of ——, a justice of the peace for said county, and of —— and ——, all reputable persons, who, being sworn and charged to inquire for the State when, how and by what means the said —— came to his death, upon their oaths, do say (here insert how, where, when, by what means and with what instrument the death occurred). So the persons aforesaid, upon their oaths aforesaid, do say (here insert the following, in case of murder) that the said —— (or some person to the jurors unknown), in manner and form aforesaid, the aforesaid ——, then and there, of his malice aforethought, did kill and murder, against the peace and dignity of the State; (in case of self-murder, insert instead) that the said ——, in manner and form aforesaid, then and there, voluntarily and feloniously, as a felon of himself, did kill and murder himself, against the peace and dignity of the State; (or, in case of death happening innocently, by the hands of another person, insert instead) that the aforesaid —— the aforesaid —— (deceased), by misfortune and contrary to the will of the said ——, in manner and form aforesaid, did kill and slay.

"In witness whereof, the said jurors have hereunto set their hands the day and year first above written.

"In witness of all above written, the said coroner has hereto set his hand and seal the same day and year."

15. If any person charged by the inquest with having caused the death of the person, whose body lies dead before them, is not then in custody, the coroner shall forthwith notify some justice, that such person may be apprehended, examined and secured for trial.

16. Every coroner, after taking an inquest of the violent or casual death of any stranger, shall bury the dead body in a decent manner, and the expenses of such inquest and burial shall be paid to said coroner out of the treasury of the county, upon his certifying that the deceased was a stranger, and his warrant being examined and allowed by the county commissioners.

17. Coroners and constables shall be entitled to the same fees as sheriffs in like cases.

FEES.

18. The following fees shall be allowed in each coroner's inquest duly authorized, to be paid from the county treasury:—

To the coroner, for taking the same, . . .	$1.50.
To the jurors, each, a day, ...	1.50.

To travel each mile, ...06.
To witnesses, each, a day, ... 1.00.
For their travel, each, a mile, ...06
To the constable, for summoning the jury, his necessary expenses, and each day, ...67.

NEW JERSEY.

1. There shall be elected, annually, in every county of this State, three coroners, who shall be inhabitants and freeholders of the said county.

2. Every person who shall be elected to the office of coroner, shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit:—

"I, ——, one of the coroners of the county of ——, do solemnly swear (or affirm) that I will well and truly serve the State of New Jersey in the office of coroner of the said county; that I will, to the utmost of my power, faithfully and truly execute, or cause to be executed, all writs and precepts to me directed and which shall come to my hands, and will faithfully and truly return the same, according to the best of my knowledge, skill and judgment; that I will in no case knowingly use or exercise the said office illegally, corruptly or unjustly; that I will, neither directly nor indirectly, by any means or device, or under any color or pretence whatsoever, accept, receive, take, use or enjoy, or consent to the accepting, receiving, taking, using or enjoying, any fee or reward, of or from any person or persons whomsoever, for the summoning, impanelling or returning of any inquest, jury or tales to or in any court for this State, or between party and party, other than such fees or reward as are or shall be allowed by law for the same; and that I will not, directly or indirectly, exact or demand any manner of fee or reward from any person or persons for serving, executing or returning any writ, precept, process, execution or inquisition, or for any other service in my said office, other than such fees or reward as are or shall be allowed for the same by law; but that I will, in all things touching the duties of said office, demean myself honestly, fairly and impartially, according to the best of my knowledge, skill and understanding."

3. Any return made and signed by any one of the coroners for

the time being, in any of the counties of this State, to any writ, precept, process or execution which shall issue out of any court of record of this State, and be directed to the coroners of the said counties, respectively, shall be as good and effectual in law as if such return had been made and signed by all the coroners of the said county; but the act or return of any one or more of the coroners shall not prejudice or affect the rest.

4. Every coroner shall have power, upon view of the body, to take inquests of deaths in prison, and of all violent, sudden or casual deaths within his county, and the manner of such deaths.

5. If it shall, at any time hereafter, happen that a coroner cannot be had in due time to take inquests of deaths in prison, or any violent, sudden or casual deaths within his county, then, in such case, it shall be the duty of any justice of the peace, in the county where such death may happen or dead body be found, on notice thereof, to do all and everything and things in manner and form which is required of a coroner to do in the premises, and shall be entitled to the same fees for his services, and subject to the same fine for neglect of the duties required of him in this law, any law, usage or custom to the contrary notwithstanding.

6. It shall be the duty of every coroner (or justice of the peace, in the absence of the coroner), on being informed of the violent, sudden or casual death of any person within his county, immediately to proceed and view the body, and make all proper inquiry respecting the cause and manner of the death; and if, from such inquiry, the said coroner or justice shall be satisfied that no person or persons has or have been guilty of causing or forcing the said death, and that there are no suspicious circumstances attending the same, he shall, without further proceedings therein, deliver the body to the friends thereof (if any there be) for interment; but in case there are no friends who will take charge of and bury it, and if the deceased shall not have left property sufficient to pay the expenses of the burial, then it shall be the duty of the said coroner or justice to bury the same.

7. In all cases where inquests are not taken, the coroner or justice shall make a certificate, under his hand and seal, of the following or similar import, to wit:—

"I, ——, one of the coroners (or justice of the peace, as the case may be) of the county of ——, having notice of the death of

——, and having viewed the dead body of the said ——, and made inquiry respecting his (or her) death, do hereby certify that I am satisfied no guilt attaches to any person or persons by reason of the said death, and that an inquest is unnecessary." (And in cases where it shall have become necessary for the coroner or justice to bury the dead body, the certificate shall continue and say): "That the said deceased has no friends who appear to take charge of and bury his (or her) body; nor, as I can ascertain, has he (or she) left property sufficient, and within reach of the overseer of the poor, to defray the expenses thereof: I have therefore buried the same."

Which certificate shall be filed with and accompany the bill of costs.

8. After a view of inquiry had as aforesaid, if the said coroner or justice shall have reason to suspect that the person, whose body he shall have been called to view, came to his or her death by murder or manslaughter, or by the contrivance, aiding, procuring or other misconduct of any person or persons, then it shall be his duty forthwith to make out a precept, directed to any constable of the said county where the dead body is found or lying, requiring him to summon a jury of good and lawful men of the same county, to appear before him at the time and place in such precept mentioned and contained, which shall be in form following:—

"—— *County, to wit:*

"The State of New Jersey to any of the constables of the said county.

"You are required, immediately upon sight hereof, to summon twenty-four good and lawful men, of the said county of ——, to be and appear before me, A. B., one of the coroners (or justices) of the county aforesaid, at ——, in the said county, on the —— day of ——, at the hour of — in the ——noon of the same day, then and there to inquire of, do and execute all such things as, on behalf of the State, shall be lawfully given them in charge, touching the death of C. D. (or a person unknown, as the case is). And be you then and there to certify what you shall have done in the premises; and further to do and execute what, in behalf of the said State, shall be then and there enjoined upon you.

"Given under my hand and seal, at ——, in the said county, the —— day of ——, in the year of our Lord, ——."

9. The constable to whom such precept shall be directed and delivered shall forthwith execute the same, and shall repair to the

place at the time mentioned therein, and make return of the precept, with his proceedings thereon, to the coroner who issued it.

10. It shall be the duty of the coroner or justice to certify and return every constable who shall neglect or refuse to execute the services and duties, or any of them, by this act prescribed, and every person who shall be summoned as a juror as aforesaid, and shall not appear to the next court of general jail delivery to be held in and for the county; which court, unless a reasonable excuse be offered, shall set such fine upon the constable or juror so offending as they shall think fit and reasonable, not exceeding fifty dollars.

11. The coroner or justice shall swear or affirm twelve or more of the jurors who shall appear, and shall administer to the foreman of the inquest an oath or affirmation, upon view of the body, in form following:—

"You, as foreman of this inquest, shall diligently inquire, and true presentment make, on behalf of the State of New Jersey, how and in what manner C. D. (or a person unknown, as the case is), here lying dead, came to his death; and of such other matters relating to the same as shall be lawfully required of you, according to the evidence."

And then shall swear or affirm, by three at a time, in order, the rest of the jurors, in form following:—

"Such oath or affirmation (as the case may be) as the foreman of this inquest hath taken on his part, you and every one of you shall well and truly observe and keep on your part."

12. When the jurors are sworn and affirmed as aforesaid, the coroner or justice shall give them a charge, upon their oath or affirmation, to declare of the death of the person; whether he or she died by murder, manslaughter, misadventure, misfortune, accident or otherwise, and when and where, and by what means, and in what manner; and if by murder, who were principals and who were accessories; and if by manslaughter, who were the perpetrators, and with what instrument the stroke or wound was in either case given; and so of all prevailing circumstances which may come by presumption; and if by misadventure, misfortune, accident or otherwise, whether by the act of God or man, and whether by hurt, fall, stroke, drowning or in any other way; to inquire what persons were present at the death; from whence the deceased came, and who he or she was, and his or her parents, relatives or neighbors; who

were the finders of the body; whether killed in the same place where he or she was found, or if elsewhere, by whom; and how he or she was brought from thence, and of all circumstances relating to the said death; and if he or she died in prison, whether by hard usage there or not, and if so, how and by whom; and if he or she put an end to his or her own life, then to inquire of the manner, means or instrument, and all circumstances concerning it.

13. It shall be lawful for every coroner or justice to issue process for witnesses, commanding them to come before him to be examined and to declare their knowledge concerning the matter in question; and the said coroner or justice shall administer to every witness an oath or affirmation, in form following:—

"You solemnly swear (or affirm) that the evidence which you shall give to this inquest, on behalf of the State, touching the death of C. D. (or a person unknown, as the case is), shall be the truth, the whole truth, and nothing but the truth."

14. All coroners and justices shall deliver their inquisitions to the next court of oyer and terminer and general jail delivery, in their respective counties, and the said court shall proceed thereupon against the offenders.

15. Every coroner or justice, upon any inquisition before him found, whereby any person or persons shall be indicted of murder or manslaughter, or as accessory or accessories to the said crime of murder, either before or after the commission thereof, shall put in writing the effect of so much of the evidence given to the jury before him as shall be material; and every such coroner or justice is hereby authorized and required to bind all such, by recognizance, as do declare anything material to prove the said murder or manslaughter, or to prove any person or persons to be accessory or accessories, as aforesaid, to the said murder, to appear at the next court of oyer and terminer and general jail delivery to be holden within the county whereof the trial shall be, then and there to give evidence against such offender or offenders, at the time of his, her or their trial, and certify as well the same evidence as such recognizance or recognizances, in writing, as he shall take, together with the inquisition or indictment before him taken and found, to the said court of oyer and terminer and general jail delivery, at or before the time of the trial of the party so indicted.

16. The coroner or justice, for the view and inquiry as aforesaid, shall be entitled to receive two dollars, and for burying the dead

body, where the same shall become necessary, five dollars, which shall be paid in the same manner as costs of taking inquests of death are paid.

17. When the coroner or justice shall deem it necessary to have a *post-mortem* examination made, it shall be the duty of the said coroner or justice to call to his aid one or more licensed physicians or surgeons of the State, for the purpose of making such examination, for which service, upon a certificate thereof made by the said coroner or justice, it shall be the duty of the board of chosen freeholders of the county where the dead body was found, to pay each of said physicians or surgeons a reasonable compensation.

18. It shall be the duty of the clerks of the respective counties, before they proceed to tax bills of costs of inquests of death or bills of costs for the performance of the duties required by this act, to require of and administer to all coroners or justices presenting such bills of costs for taxing, an oath or affirmation that there are not included in the said bill or bills presented any item or items except for services actually rendered or duties performed, and that the amount charged in the bill for jurors' and witnesses' services has been paid to them respectively; which oath the said clerks are required to endorse on the back, or some other convenient part of the taxed bill of costs, and cause the said coroner or justice to subscribe to the same, for which service the said clerk shall be entitled to receive twelve and a half cents.

19. If any coroner or justice be remiss, and do not take inquisition as aforesaid, or do not certify as is before directed, or shall offend in anything contrary to the true intent and meaning of this act, the court of oyer and terminer and general jail delivery of the county where such offence shall be committed, upon due proof thereof, by examination before them, shall, for every such offence, set such fine upon the coroner or justice as the said court shall think fit and reasonable, not exceeding five hundred dollars.

20. Inquisitions taken before coroner or justices, but not indented, shall have the same force and validity in law as if they had been indented.

21. SUPPLEMENT, Approved March 15, 1855.

In all cases where dead bodies shall be thrown upon any of the shores or coasts of this State by shipwreck, it shall be the duty of the treasurer of this State to pay the fees, for the view of the body

and burial of the same by the coroner, that are now payable by law; and the coroner or coroners of the county in which the said bodies shall be found shall make out a written statement, containing the name of the ship, the date of the wreck and the place where the same occurred, together with as complete a description of the body as he can give, and also the time and place of the burial; which statement shall be made under the oath or affirmation of the said coroner, and shall be filed by the treasurer in his office; and if any money, goods or other property shall be found on the body of any persons so drowned as aforesaid, or shall in any way come to the possession of the coroner, he shall first pay all the expenses out of and from the said property; and the balance, if any, that may be left shall be delivered by the said coroner to the treasurer of this State, to be kept by him for the benefit of the heirs or legal representatives of such dead person as may or shall apply for and make good his or her claims to the same.

FEES.

For the view of a dead body, and inquiry respecting the cause and manner of death,	$2.00.
A precept to summon a jury,	.50.
Swearing the jury,	.25.
Swearing every witness,	.06.
Drawing and returning the inquisition,	1.00.
Taking examinations in writing, for each sheet,	.14.
Burying a dead body, when required to be done by him,	5.00.

NEW YORK.

1. Whenever any coroner shall receive notice that any person has been slain or has suddenly died, or has been dangerously wounded, or has been found dead under such circumstances as to require an inquisition, it shall be the duty of such coroner to go to the place where such person shall be, and forthwith to summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors and not exempt from such service, to appear before such coroner forthwith, at such place as he shall appoint, to make inquisition concerning such death or wounding.

2. Any justice of the peace, in each of the several towns and cities of this State, is hereby authorized and empowered, in case

the attendance of a coroner cannot be procured within twelve hours after the discovery of a dead body upon which an inquest is now by law required to be held, to hold an inquest thereon in the same manner and with the like force and effect as coroners.

3. In all cases in which the cause of death is not apparent, it shall be the duty of the justice to associate with himself a regularly licensed physician, to make a suitable examination for the discovery of said cause.

4. Each and every justice of the peace who shall hold inquests by virtue of this act shall receive the same fees as are now allowed by law to coroners.

5. Whenever six or more of the jurors shall appear, they shall be sworn by the coroner to inquire how and in what manner, and when and where such person came to his death, or was wounded, as the case may be, and who such person was, and into all the circumstances attending such death or wounding, and to make a true inquisition, according to the evidence offered to them or arising from the inspection of the body.

6. The coroner shall have power to issue subpœnas for witnesses, returnable either forthwith or at such time and place as he shall appoint therein; and it shall be the duty of the coroner to cause some surgeon or physician to be subpœnaed to appear as a witness upon the taking of such inquest.

7. Every person served with any such subpœna shall be liable to the same penalties for disobedience thereto, and his attendance may be enforced in like manner, as upon subpœnas issued in justices' courts.

8. The jury, upon the inspection of the body of the person dead or wounded, and after hearing the testimony, shall deliver to the coroner their inquisition, in writing, to be signed by them, in which they shall find and certify how and in what manner, and when and where, the person so dead or wounded came to his death (or was wounded, as the case may be), and who such person was; and all the circumstances attending such death or wounding, and who were guilty thereof, either as principal or accessory, and in what manner.

9. If the jury find that any murder, manslaughter or assault has been committed, the coroner shall bind over the witnesses to appear and testify at the next criminal court at which an indictment for such offence can be found that shall be held in the

county; and in such case, if the party charged with any such offence be not in custody, the coroner shall have power to issue process for his apprehension in the same manner as justices of the peace.

10. The coroner issuing such process shall have the same power to examine the defendant as is possessed by a justice of the peace, and shall in all respects proceed in like manner.

11. The testimony of all witnesses examined before a coroner's jury shall be reduced to writing by the coroner, and shall be returned by him, together with the inquisition of the jury, and all recognizances and examinations taken by such coroner, to the next criminal court of record that shall be held in the county.

12. In case of the absence of the coroners of the city and county of New York, or of their inability to attend, from sickness or any other cause, at any time, any alderman or special justice of the city may perform, during such absence or inability, any duty appertaining to the coroner's office of the said city, under this article; and such alderman or justice shall possess the like authority and be subject to the like obligations and penalties as the said coroners.

13. The coroners of the several counties in this State are hereby required to deliver over to the treasurer of their respective counties, all moneys and other valuable things which have been or may hereafter be found with or upon the bodies of persons on whom inquests have been or may hereafter be held, and which shall not have been claimed by the legal representatives of such person or persons within sixty days after this act becomes a law, in cases of inquest heretofore held; and in cases which may hereafter arise, within sixty days after the holding of any such inquest; and in default thereof the said treasurers shall be authorized and are required to institute the necessary proceedings to compel such delivery.

14. The several treasurers to whom any such valuable thing shall be delivered, pursuant to the provisions of this act, shall, as soon thereafter as may be, convert the same into money, and place the same to the credit of the county of which he is treasurer; and if demanded within six years thereafter, by the legal representatives of the person on whom the same was found, the said treasurer, after deducting the expenses incurred by the coroner, and all other expenses of the county in relation to the same matter, shall pay the balance thereof to such legal representatives.

15. Before auditing and allowing the accounts of such coroners,

the supervisors of the county shall require from them, respectively, a statement, in writing, containing an inventory of all money and other valuable things found with or upon all persons on whom inquests shall have been held, and the manner in which the same has been disposed of, verified by the oath or affirmation of the coroner making the same that such statement is in all respects just and true, and that the money and other articles mentioned therein have been delivered to the treasurer of the county, or to the legal representatives of such person or persons.

16. The said coroners shall be entitled to receive a reasonable compensation for making and rendering such statement, and for their trouble and services in the preservation and delivery of said effects and property, as hereinbefore provided, and all reasonable expenses incurred by them in relation thereto, to be audited by the board of supervisors, in addition to the fees or compensation to be allowed to them for holding an inquest.

17. Hereafter, when, in the city and county of New York, any person shall die from criminal violence, or by a casualty or suddenly, when in apparent health, or when unattended by a physician or in prison, or in any suspicious or unusual manner, the coroner shall subpœna a properly qualified physician, who shall view the body of such deceased person externally, or make an autopsy thereon, as may be required. The testimony of such physician, and that of any other witnesses that the coroner may find necessary, shall constitute an inquest. For making said external examination, the physician shall receive three dollars; for making such autopsy, he shall receive ten dollars; and such sums shall be a county charge and paid by the board of supervisors.

18. Should the coroner deem it necessary, he may call a jury to assist him in his investigations; or should any citizen demand that a jury be called, he snall proceed as directed by part four, title seven, article one of the revised statutes.

19. It shall be the duty of any citizen, who may become aware of the death of a person who shall have died in the manner stated in section one of this act, to report such death forthwith to one of the coroners or to any police officer, and such police officer shall, without delay, notify the coroner of such death; and any person who shall wilfully neglect or refuse to report such death to the coroner, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county

prison not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

20. Any person, except the coroner, who shall wilfully touch, remove or disturb the body of any one who shall have died in the manner described in section one of this act, or who shall wilfully touch, remove or disturb the clothing, or any article upon or near such body, without an order from the coroner, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county prison not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

21. Any citizen of this State not over seventy years of age, and being at the time a resident of the county, may be summoned to serve as a juror upon a coroner's inquest; and any person who shall wilfully neglect or refuse to serve as such juror, when duly summoned, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county prison not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

22. The board of coroners of the county of New York may appoint a clerk, who shall receive an annual salary of thirty-five hundred dollars per year, which shall be a county charge, and payable as other county salaries are paid.

23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

24. The board of supervisors of Erie county shall, at its next annual meeting, and from time to time thereafter, fix and regulate the compensations of coroners in Erie county for all services done and performed by them, except when acting as or in the place of the sheriff of said county, and which compensation shall not, in the case of any coroner residing in the city of Buffalo at the time of his election and during his term of office, exceed the sum of two thousand dollars per annum, and not exceeding two in number; and of any coroner not residing in the city of Buffalo at the time of his election, shall not exceed the sum of five hundred dollars per annum, which compensation shall not be increased during the term of office of such coroner, and shall be in lieu of all fees or mileage for said services.

25. The said board of supervisors shall also have power to appoint, at their annual session in each and every year, two physi-

cians, of good standing and properly qualified, to attend any and all *post-mortem* examinations held by any of said coroners whenever required by the coroner holding such examinations; and said board shall fix the compensation of said physicians, and when fixed shall not be changed during the year for which said physicians were appointed; and no other bill or account for *post-mortem* services shall be audited or allowed by such after the appointment of said physicians, except as provided in the next section.

26. The said compensation for said physicians shall be audited at each annual session of the board of supervisors, on the sworn statement of said physicians as to the services rendered; and in case said physicians, or either of them, neglect or refuse to attend any *post-mortem* examination when required by the coroner holding the same, or, attending, shall refuse to make such examination, said coroner may call upon any other competent physician to perform the duties of said *post-mortem* physician in that case or examination; and the said coroner shall make a return of said matter, under oath, to the board of supervisors at their next annual session; and thereupon the board of supervisors may audit and allow a proper and reasonable sum to said physician so called upon for his said services, and whatever sum or sums shall be so ordered, audited and allowed shall be deducted and kept from the amount otherwise payable to such *post-mortem* physician.

27. The action of the board of supervisors, at their annual session in the year eighteen hundred and seventy-four, in relation to the salaries of the coroners of said county, so far as applicable to the present year and to appointment of two *post-mortem* physicians, is hereby ratified and confirmed.

FEES.

For viewing each dead body and holding an inquest thereon,	$10.00.
For summoning and swearing a jury,	5 00.
For making and filing each inquest,	5.00.

LAWS PASSED MAY 15, 1878.

1. Each of the coroners of the city and county of New York hereafter elected as provided by law, shall be paid, in full satisfaction for his services, a yearly salary of five thousand dollars, and shall be allowed for contingent expenses, including clerk and office hire, and all other incidental expenses, not to exceed two thousand

dollars per annum, which contingent and incidental expenses shall be audited and paid as the contingent and incidental expenses of other officers of the said city and county are audited and paid; and said salary and allowance shall be in lieu of all his or compensation heretofore a charge upon the county of New York, or the mayor, aldermen and commonality of the city of New York.

2. In all cases where the coroners of said city and county are authorized to issue a subpœna to a qualified physician to view the body of a person deceased, or make an autopsy thereon, as may be required, the subpœna of the coroner shall hereafter be issued only to one of the physicians appointed, as in this statute directed, and it shall be the duty of the physician to whom such subpœna is so issued to make the inspection and autopsy required, and to give evidence in relation thereto at the coroner's inquest.

3. The board of coroners of the city of New York shall, within five days after the passage of this act, by a writing, filed in their office and published in the city record, appoint four qualified physicians, who shall be residents in said city, to perform the duties in the preceding section specified, and shall be known as "coroner's physician." Thereafter, each coroner of said city, elected as provided by law, shall, on assuming office, appoint successors to the physicians herein provided for. Any vacancy in the office of coroner's physicians shall be filled by the board of coroners. The board of coroners, for cause, may remove the physicians appointed by them.

4. It shall be the duty of the board of estimate and apportionment of said city, from time to time, as it may determine, to fix the salary to be paid to the physicians, appointed as in this statute directed, for performing the duties herein provided. The salary to be paid to each of said physicians shall not in any year exceed the sum of three thousand dollars. The salaries in this act provided for shall be paid monthly by the mayor, aldermen and commonality of the city of New York.

5. Each of said coroners heretofore elected shall attend to an equal or proportionate part of the cases in which a coroner is required to act in said city and county, and, after the thirty-first day of December, eighteen hundred and seventy eight, there shall be paid to each of said coroners, during the remainder of his term of office, the fees or compensations now provided by law.

6. So much of section of chapter four hundred and sixty-two

of the laws of eighteen hundred and seventy-one as provides that "For making such external examination, the physician shall receive three dollars; for making such autopsy, he shall receive ten dollars; and such sum shall be a county charge, and paid by the board of supervisors," is hereby repealed. The act, chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to fix the compensation of the coroners of the city and county of New York," passed May four, eighteen hundred and sixty-eight, is also hereby repealed; but such repeal shall not take effect until the first day of January, eighteen hundred and eighty.

7. This act shall take effect immediately, except as herein otherwise specially provided.

Albany County, N. Y.

There shall be hereafter elected in the county of Albany four coroners, who shall hold their office for the term of three years each.

The board of supervisors of Albany county shall, at their annual session in each and every year, choose four physicians of good standing.

FEES.

Coroners, each, ... $1,200.00.

The board of supervisors fixes the compensation of the physicians.

Fees—An Act Passed May 21, 1878.

1. Chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners," is hereby amended by the insertion of a new section immediately after the third section, as follows: "The fees of jurors necessarily summoned upon any coroner's inquest shall be not to exceed one dollar for each day's service; shall be a county charge, and shall be audited and allowed by the boards of supervisors, in the same manner as other fees and charges mentioned in this act. But the coroner holding such inquest and summoning said jurors shall make report to the next succeeding board of supervisors, after every such inquest, of the names of such jurors and the term of service of each, and upon what inquest rendered, on or before the third day of the annual session in each year."

Kings County.

Act Passed June 4, 1878.

The coroners of the county of Kings may appoint a clerk, who shall receive an annual salary of twenty-five hundred dollars per annum, which shall be a county charge, and payable as other county salaries are paid.

NORTH CAROLINA.

1. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the general assembly, and shall hold their offices for two years. When there is no coroner in the county, the clerk of the superior court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the commissioners for the county may appoint to such office for the unexpired term.

2. It shall be the duty of the several coroners, whenever they are informed that any person is slain or suddenly dead, either by drowning or otherwise, to go to the place where such person is, and forthwith summon a jury of good and lawful men; whereupon the coroner, upon oath of said jury at the said place, shall make inquiry when, how and by what means such deceased person came to his death, and his name, if it was known, together with all the material circumstances attending his death. And if it shall appear that the deceased was slain, then who was guilty, either as principal or accessory, if known, or in any manner the cause of his death. And as many as are found culpable, by inquisition in manner aforesaid, shall be taken and delivered to the sheriff and committed to the jail; and such persons as are found to know anything of the matters aforesaid, and are not culpaple themselves, shall be bound in a recognizance, with sufficient security, to appear at the next superior court of his proper county. It shall be the duty of every coroner, when he or any of the jurors may deem it useful to the better investigation of the cause or manner of death, to summon a physician or surgeon, who shall be paid for his attendance and service such sum as the court may deem reasonable.

3. If at any time there shall be no person properly qualified to act as sheriff in any county, the coroner of such county is hereby

required to execute all process, civil or criminal, lawfully issuing on judgments, orders or sentences of any court, and in all other things to act as sheriff until some person shall be appointed sheriff in said county; and such coroner shall be under the same rules and regulations, and subject to the same fines, forfeitures and penalties, as sheriffs are by law for neglect or disobedience of the same duties.

FEES.

4. Fees of coroners shall be the same as are or may be allowed sheriffs in similar cases.

For holding an inquest over a dead body, . . . $5.00.

If necessarily engaged more than one day, for each additional day, ... 5.00.

For burying a pauper over whom an inquest has been held, all necessary and actual expenses, to be approved by the county commissioners, and paid by the county.

It shall be the duty of every coroner, where he or any juryman shall deem it necessary to the better investigation of the cause or manner of death, to summon a physician or surgeon, who shall be paid for his attendance and services, and such further sum as the commissioners of the county may deem reasonable, . $10.00.

OHIO.

1. There shall be elected in each county, bi-annually, a sheriff and coroner, who shall hold their offices for two years, beginning on the first Monday of January next after their election.

2. Each sheriff and coroner shall each, within ten days after receiving their commissions, and before the first Monday of January next after their election, give bond to the State, with two or more sureties approved by the county commissioners, in any sum fixed by the county commissioners—not more than fifty thousand dollars nor less than five thousand dollars,—conditioned for the faithful performance of their respective duties; which bonds, with the approval of the county commissioners and the oaths of office of the sheriff and coroner, respectively, endorsed thereon, shall be filed with the county auditor.

3. The county commissioners may, at any time during the term of office of either of said officers, require him to find further and additional sureties on his bond, or give a new bond.

4. If the sheriff or coroner fails to give bond within the time above specified, or fails to give additional sureties on his bond, or a new bond, within ten days after he has received written notice that the county commissioners require such additional sureties or new bond, then the said commissioners shall declare the office of such sheriff or coroner vacant, and said office thereupon be filled as provided by law.

5. No judge, clerk or attorney-at-law shall be received as surety on the bond of any sheriff or coroner.

6. When the office of coroner becomes vacant, the county commissioners shall appoint a suitable person to fill the vacancy, who shall give bond and take the oath of office, as prescribed for the coroner.

7. When the term of office for which any sheriff has been elected has expired, or he has resigned or removed from within the county, such late sheriff shall deliver over all writs of execution, and all other process of whatever description, whether executed or not, together with all goods and chattels which have been by him taken in execution or attached, and which remain in his hands, together with all bonds, to such person as has been elected and qualified to discharge the duties of sheriff; or if no such person has been elected and qualified as aforesaid, then to the coroner of said county, making the necessary and proper return upon each writ of execution or other process, so far as the same has been executed; and also to deliver over. as aforesaid, all prisoners in the jail of the county or otherwise in his custody, together with all bail bonds by him taken and remaining in his possession; and the new sheriff or coroner shall receive all such writs or other process, and proceed to execute such of them as remained unexecuted, in whole or in part, in the same manner as if such writs or other process had been originally directed to him; and no process shall be directed to or executed by any sheriff whose term of office has expired; and in case the prisoners, writs, process, bail bonds and property have been delivered over, as aforesaid, to the coroner by the former sheriff, his sureties, executors or administrators, the said coroner, his executors or administrators, shall deliver over all such prisoners, writs, process, bail-bonds and property to the new sheriff, in like manner as is hereinbefore provided; and when any sheriff dies during the period for which he has been qualified to act as such, it shall be competent for the executor, administrator or security of

such sheriff to deliver over to the coroner, or such person as may be qualified to act as sheriff within said county, in like manner as hereinbefore provided; and during the time the office of sheriff is vacant in any county, the coroner thereof shall be bound to perform all the duties, and be vested with all the powers, of sheriff of said county; and he shall also execute process of every kind to which the sheriff is a party or interested in the writ.

8. That whenever information shall be given to any coroner that the body of any person, whose death is supposed to have been caused by violence, has been found within his county, he shall appear forthwith at the place where such body shall be; shall issue subpœnas for such witnesses as he deems necessary, and administer to them the usual oath or affirmation, and proceed to inquire how the deceased came to his death; if by violence from any other person or persons, by whom; whether as principals, or as accessories before or after the fact, together with all the circumstances relating thereto. The testimony of the witnesses shall be reduced to writing, by them respectively subscribed, and with the finding and recognizances hereinafter mentioned, if any, shall, by the coroner, be returned to the clerk of the court of common pleas of the proper county; and he shall, if he deem it necessary, cause the witnesses attending as aforesaid to enter recognizances in such manner as may be proper for their appearance at the succeeding term of the court of common pleas of said county, to give testimony concerning the matter aforesaid and he may require any or all of said witnesses to give security for their attendance; and if they, or any of them, neglect to comply with the requirements made, he shall commit the person so neglecting to the prison of the county, to remain until discharged by due course of law.

9. That it shall be the duty of said coroner to draw up his finding of facts, in writing, and subscribe the same. And if said coroner shall find that the deceased came to his or her death by force or violence, and by any other person or persons, and if the person or persons so charged, or any of them, shall be there present, it shall be the duty of said coroner to arrest such person or persons and convey him or them immediately before a proper officer for examination according to law; and if said persons, or any of them, shall not be present, it shall be the duty of the coroner forthwith to inform one or more justices of the peace—and the prosecuting attorney, if within the county—of the facts so found, in order that the persons may be immediately dealt with according to law.

10. The coroner may issue any writ required by this act to any constable of the county in which such body shall be found, or if, in his opinion, the emergency shall require, to any discreet person of the county; and every constable, or other person who may have been appointed as aforesaid, who shall fail to issue any warrant to him directed, shall forfeit and pay a fine of twenty-five dollars, to be recovered, upon the complaint of said coroner, before any court having jurisdiction thereof. And any coroner who shall refuse or neglect to perform any of the duties herein required of him, shall, upon indictment and conviction in the court of common pleas in which the offence shall have been committed, be fined such sum as the court shall determine, not exceeding five hundred dollars, all of which fines shall be to and for the use of the county.

11. When an inquest is held, the coroner shall, as part of his finding, give a description of the person over whose body the inquest is held, which description shall specify the name, age, sex, residence, place of nativity, color of eyes, hair, marks and all other particulars which may assist in the identification of the person; and the coroner shall also make an inventory of all articles of property found on or about the person, and describe the same as minutely as can conveniently be done; also, of all moneys, specifying the amount and kind, and denomination thereof.

12. Immediately after the finding, as mentioned in the preceding section, if the friends or relatives of the deceased are known, the coroner shall give to them notice, by letter or otherwise; and if the relatives or friends are unknown, then the coroner shall advertise in one newspaper in the proper county; and whether the notice is by letter or advertisement, the coroner shall state the fact of the death and his findings, and give a substantial description of the property mentioned in the inventory.

13 The inventory and return provided for in section eleven shall be made separately from the finding as to the death, and shall, together with all the articles and moneys described in said inventory, be returned by the coroner or other officer to the probate court.

14. In case the name of the person over whose body the inquest has been held is unknown, the probate court shall make such order for the preservation of the property found on the person, other than money, as may be necessary for the future identification of said person; if the name is known, it shall make such other order as may to it seem best; the money shall be applied, first, to pay

the expenses of saving the body of the deceased, of the inquest and burial, and the remainder, if any, shall be paid into the county treasury and become a part of the general fund; but when property, other than money, is found upon the person over whose body such inquest was held, and such property is not identified or claimed within the period of one year from the time the probate court received the same, it shall proceed to sell at public sale such property, after giving public notice for the period of ten days, in some newspaper of general circulation in the county, and pay the proceeds of said sale into the county treasury, to become part of the general fund of said county. If at any time thereafter proof is made, to the satisfaction of the probate court or the county commissioners, of the right of any person or persons, by inheritance or otherwise, to said funds, or any part of the same, said court or commissioners shall certify the same to the county auditor, who shall thereupon draw a warrant on the treasurer of the county, in favor of such claimant or claimants, for the sum so paid into the treasury; and all probate judges shall collect and pay into the treasury of their respective counties, to be paid over as herein provided, all moneys of which they are trustees under the provisions of the former laws on this subject, and the prosecuting attorney of each county is required to prosecute all suits, in the name of the State, that are necessary to enforce the provisions of this section.

15. The provisions of this chapter shall not interfere with the rights of any administrators or executors appointed and qualified in due course of law; but such moneys and effects shall be delivered up to said administrators or executors, whether before or after return thereof to the court of probate.

16. When the prosecuting attorney of any county is informed that any person has in his possession money or other property belonging to any person found dead within such county, whether obtained before or after the passage of this chapter, upon whose estate no letters of administration have been issued, such prosecuting attorney shall require, by notice in writing, such person having such money or other property to deposit the same in the probate court of the county; and in case such person does not, within fifteen days, comply with such requisition, the prosecuting attorney shall bring suit in the common pleas court, in the name of the State, for the recovery of said moneys and effects, and the same shall, when recovered, be at the disposition of said probate court, as hereinbefore provided.

FEES.

For view of dead body, ... $3.00.
For drawing all necessary writings, and return thereof, for every hundred words, ...10.
For traveling, each mile, to the place of view, . . .10.

When a physician or surgeon makes a *post-mortem*, at the instance of the coroner or other officer, he shall be allowed such compensation for his services as the court of common pleas of the proper county directs.

There is no specific allowance made in the laws of the State for coroners' juries. It is therefore presumed they are allowed the same pay as other jurors.

OREGON.

1. When it becomes the duty of a coroner to make the inquiry, he must go to the place where the dead or wounded person is, and forthwith summon six persons, qualified by law to serve as jurors, to appear before him forthwith, at a specified place, to inquire into the cause of the death or wound.

2. When the jurors, to the number of six, appear, they must be sworn by the coroner to inquire who the person was, and when, where and by what means he came to his death (or was wounded, as the case may be), and into the circumstances attending the death or wounding, and to give a true verdict thereon, according to the evidence offered to them or arising from the inspection of the body.

3. The coroner must subpœna and examine as witnesses every person who, in his opinion, has knowledge of the material facts, and also a surgeon or physician, who must, in the presence of the jury, inspect the body and give a professional opinion as to the cause of the death or wounding.

4. For the purpose of subpœnaing witnesses, compelling them to attend and testify, and punishing them for disobedience, a coroner is to be deemed a magistrate, with the power and authority in that respect.

5. When the examination is closed, the jury, or two-thirds of their number, must give their verdict, in writing, and signed by them, setting forth, so far as they know or have good reason to believe, who the person killed or wounded is, and when, where and

by what means he came to his death or was wounded, and whether any person, and who, is guilty of a crime thereby.

6. The testimony of the witnesses must be reduced to writing by the coroner, or under his direction, and the verdict of the jury delivered to him.

7. If the jury find that a crime was committed in the killing or the wounding, the coroner must forthwith deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest on an information; but if the jury do not so find, he must return the same to the clerk of the county court.

8. If the verdict of the jury also charge a person with the commission of the crime, the magistrate to whom the same is delivered must forthwith issue a warrant for the arrest of such person, as on information, and when the defendant is brought before him, must proceed to examine the charge contained in the verdict, and hold the defendant to answer, or discharge him therefrom, in the same manner in all respects as upon a warrant of arrest.

9. If, however, the defendant be arrested before the testimony and verdict is delivered or returned, as directed in the last two sections, then the coroner must deliver the same to the magistrate before whom the defendant is brought.

10. When a coroner shall hold an inquest upon the body of a stranger or pauper, and no friend or relative appears to claim the body for burial, the coroner must cause the same to be plainly and decently buried, and the expense of such burial must be paid by the county where the body is found.

11. The coroner must return to the county court a written statement, verified by his own oath, of the expense of any inquest or burial held or made by him, which account must be audited and paid to the persons to whom the items thereof are due, in the same manner as ordinary claims against the county.

12. If money or other property be found on the body, the coroner must make an inventory of it, and take the same into his possession, which inventory he must verify and return to the county court, with the account specified in last section.

13. The coroner must, within thirty days from the inquest, deliver the money or other property to the county treasurer; and if he fail to do so, the treasurer must proceed against him for its recovery, by a civil action, in the name of the county.

14. Upon the delivery of the money to the treasurer, he must

place it to the credit of the county. If it be other property, he must sell as upon execution, and, after deducting the expenses of sale, place the proceeds to the credit of the county.

15. If the money in the treasury be claimed, within six years from the date of the deposit thereof, by the legal representatives of the deceased, upon satisfactory proof thereof, the county court must order the same to be paid to such representatives.

16. Before making the order provided for in the last section, the county court must deduct, from the amount deposited in the treasury, all the expense incurred by the county in relation to the matter, and direct the remainder, if any, to be paid.

17. If the office of coroner shall be vacant, or the coroner, for any reason, be unable to act, or be absent from the county, any justice of the peace of the county is authorized and required to perform the duties hereby required of such coroner.

FEES.

18. For taking an inquest concerning the death or wounding of any person, ... $5.00.

A coroner, when acting as sheriff, is entitled to the same fees as a sheriff.

PENNSYLVANIA.

Article VI. Constitution.—*Section* 1.—Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Act of Assembly, 28 March, 1803—§ 4. Whenever the commonwealth, or any individual or individuals, shall be aggrieved by the misconduct of any coroner, it shall and may be lawful, as often as the case may require, to institute actions of debt or of *scire facias*, upon such recognizance, against such coroner, his sureties, his heirs,

executors or administrators (or actions of debt upon such obligations against such coroner), and his sureties, his heirs, executors or administrators; and if, upon such suits, it shall be proved what damage hath been sustained, and a verdict and judgment shall thereupon be given, execution shall issue for so much only as shall be found by the said verdict and judgment, with costs; which suits may be instituted, and the like proceedings be thereupon had, as often as damage shall be, as aforesaid, sustained; *Provided, always*, that such suit or suits against such coroner, his sureties, his heirs, executors or administrators, shall not be sustained by any court of this commonwealth unless the same shall be instituted within five years after the date of such obligation or recognizance.

ACT OF ASSEMBLY, 15 APRIL, 1834.—§ 66 says: The coroner of each county, before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance and become bound in a bond, with at least two sufficient sureties, in one-fourth of the sum which shall be by law required from the sheriff of the same county.

§ 67. The condition of the recognizance and bond to be given by the coroner shall be, that such coroner will "*well and truly perform all and singular the duties to the said office of coroner pertaining;*" and such recognizance and bond shall be a security to the commonwealth, and to all persons whomsoever, for the faithful discharge and due performance of all the duties required by law from such coroner.

§ 68. Every such recognizance entered into by a coroner shall be taken by the recorder of deeds of the proper county, and recorded in his office, and when so recorded, shall be by him transmitted to the secretary of the commonwealth, with such certificate, indorsed by such recorder, of its having been duly recorded.

§ 69. Before any such bond or recognizance shall be taken by the recorder of deeds, the sufficiency of the sureties therein named shall be submitted to and approved by the judges of the court of common pleas of the proper county, or by any two of them, for that purpose convened, who shall certify their approbation of such sureties to the recorder; and no commission shall afterwards be granted until the governor shall have also approved of the sufficiency of such sureties.

§ 70. *Provided*, that no judge, clerk or prothonotary of any court, or attorney-at-law, shall be permitted to become a surety in such

bond or recognizance, and that no person shall be received as surety for a sheriff and for coroner at the same time.

§ 71. Copies of the record of any such bond, or a recognizance acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence, in any action brought against the obligors or cognizors, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

§ 72. It shall be the duty of every coroner, immediately after receiving his commission from the governor, to deliver the same to the recorder of deeds of the said county, by whom the same shall be recorded at the expense of such coroner.

§ 73. No person elected or appointed to the office of coroner shall presume to execute any of the duties of such office before a commission shall have been duly granted to him and left for record, as hereinbefore provided, under a penalty of imprisonment for a term not exceeding six months, at the discretion of the court of quarter sessions of the county; *Provided*, that such person shall, nevertheless, be liable to any person injured by any acts done by him under color of such office.

§ 74. All the real estate within the same county of a coroner, and his respective sureties, shall be bound, by a recognizance taken in manner aforesaid, as effectually as by a judgment, to the same amount, in any court of record of such county. And it shall be the duty of any recorder of deeds, so soon as a coroner shall be commissioned, to certify the recognizance taken by him to the prothonotary of the court of common pleas of the same county, who shall enter the names of the parties thereto upon his docket, in like manner as judgments are by law directed to be entered.

§ 75. If any sheriff shall be legally removed from his office, or shall die before the expiration of the term for which he shall have been commissioned, the coroner of the same county shall execute the office of sheriff, and perform all things thereunto appertaining, until another sheriff shall be duly commissioned, and notice thereof given to such coroner.

§ 76. Whenever a vacancy shall happen in the office of coroner, which is to be filled by a new appointment in the manner prescribed by the constitution of this commonwealth, the person so to be appointed shall enter into recognizance and give bond, with sureties to be approved of in manner aforesaid, in such sum as shall be

determined on by the judges of the courts of common pleas of the same county, or by any two of them, for that purpose convened.

Act of Assembly, 16 June, 1836, provides that courts may enforce rules on the coroner by attachment; and the courts shall have that power against the coroner for two years after the termination of his term of office.

Act of Assembly, 11 April, 1862.—§ 1. Whenever it shall be made to appear to any court in which suit has been or shall be brought, and judgment entered thereon upon the official bond of a coroner against such officer and his sureties, in the city and county of Philadelphia, that more than five years have elapsed since the execution of such official bond, and that the claims of all claimants in such suit, who have become such within five years from the execution of such official bond, have been satisfied or otherwise finally disposed of, it shall be the duty of the said court, on the application of the said sureties in such suit upon such official bond, for the penalty thereof to be marked satisfied of record; and the prothonotary of such courts shall thereupon make such entry on the judgment index.

Act of Assembly, 14 March, 1846.—§ 1 authorizes all deeds of coroners, being duly acknowledged, to be recorded in the recorder's office of the county, and states that duly certified copies thereof shall be evidence in all cases where the original deeds would be evidence.

Act of Assembly, 5 April, 1842.—§ 11. If any person, who has or shall be elected to the office of coroner, shall neglect or refuse, for the space of three months next after such election, to assume the duties of said office, and to comply with the requisition of the acts of assembly in such cases provided, the said office shall be treated as vacant, and it shall be the duty of the governor to appoint and commission some suitable person to fill such vacancy, who shall hold and enjoy said office, and all the emoluments appurtenant thereto, until the next general election thereafter. And no fees shall hereafter be charged on commissions issued to the coroners of the several counties of this commonwealth.

Act of Assembly, 24 March, 1846.—§ 1. Whenever any coroner of any of the counties of this commonwealth shall notoriously abscond from the county, or the city and county, for which he was elected coroner, and thereby fail to perform the duties enjoined upon him by law, the office of such coroner so notori-

ously absconding shall be deemed and held vacant to all intents and purposes.

Act of Assembly, 14 April, 18—.—§ 131 directs the coroner to perform duties of sheriff in all matters relating to juries, and, in case of death, incompetency, etc., of both coroner and sheriff, directs the court, or the judges of the court of common pleas of said county, to appoint a person to fill the vacancy.

§ 132 gives power to the coroner to act for the sheriff conjointly with jury commissioners, in executing the writ of *venire* for the grand jury.

Act of Assembly, 16 June, 1866.—§ 13 empowers the coroner in certain cases to act for the prothonotary in the appointment of arbitrators.

Act of Assembly, 22 April, 1850.—§ 19. In all suits which may hereafter be instituted in any court of this commonwealth, in which the sheriff of any county may be a party, where there is no coroner in commission to serve process, it shall be lawful for any constable in the county where the process has been issued to serve the same, and perform the duties in relation thereto, which coroners are authorized to do under the laws of this commonwealth.

Act of Assembly, 12 June, 1878.—The fees to be received by coroners, while acting as sheriffs, shall be the same as those received by sheriffs for similar services.

Act of Assembly, 3 April, 1852.—§ 20. The coroner of the county of Lancaster is hereby fully authorized and empowered to appoint any number of deputies he may deem proper.

Act of Assembly, 1 May, 1861, extends this right to the coroner of Northampton county.

Act of Assembly, 14 February, 1863, extends this right to the coroner of Schuylkill county.

Act of Assembly, 17 March, 1864, extends this right to the coroner of Chester county.

Act of Assembly, 22 March, 1867, extends this right to the coroner of Philadelphia county.

Act of Assembly, 28 June, 1871, extends this right to the coroner of Mercer county.

Act of Assembly, 30 March, 1866.—It shall not be the duty of any coroner or justice of the peace of the county of Luzerne to hold an inquest on the body of any deceased person, unless

the said deceased person shall have died of unlawful violence, or other unlawful acts, at the hands of some other person or persons, or there be such strong suspicion of such violence or other unlawful acts as to make an inquest necessary; which violence and suspicion of the same shall be certified to by the coroner or justice holding such inquest, and also by the jurors, under their oaths, and be made a part of the return of such inquest; and if the said coroner or justice shall hold an inquest in any other case, he and the jurors shall not be entitled to any compensation therefor.

ACT OF ASSEMBLY, 18 MARCH, 1869, relates to Westmoreland county.

ACT OF ASSEMBLY, 22 MARCH, 1867.—It shall be the duty of the coroner of the city and county of Philadelphia to hold an inquest on the body of any deceased person who shall have died a violent death, or whose death shall be sudden; *Provided*, that such sudden death be after an illness of less than twenty-four hours, and that no regular practicing physician shall have been in attendance within said time, or that suspicious circumstances shall render the same necessary, which said suspicions shall first be sworn to by one or more citizens of said city.

Inquest not to be held except in certain cases.

ACT OF ASSEMBLY, 14 APRIL, 1865.—It shall not be the duty of the coroner of the county of Philadelphia to hold an inquest on the body of any convict or untried prisoner, who may die during his or her confinement in the prison or common jail of said county, unless required by the inspectors thereof, except in cases of murder, suicide, manslaughter or death caused by casualties; and no inquest shall be held by the coroner of said county on the body of any convict or untried prisoner, who may die in the jail of said county, except as hereinbefore provided.

ACT OF ASSEMBLY, 16 MAY, 1857, fixes the number of a coroner's jury, in all cases, at six.

FEES.

ACT OF ASSEMBLY, 28 MARCH, 1814.—§ 19 directs that the fees of coroners shall be as follows:—

Viewing a dead body, ...	$2.75.
Summoning and qualifying an inquest, . . .	1.37½.
Summoning and qualifying of each witness, . .	.25.

To be paid out of the goods, chattels, lands or tenements of the

slayer (in cases of murder or manslaughter), if any he hath; otherwise by the county, with mileage from the court house to the place of viewing the body.

Act of Assembly, 16 April, 1845, provides that, in place of the fees allowed him by law, the coroner of the city and county of Philadelphia shall receive, for each inquest held by him, the sum of four dollars; and when he shall make any payments for jury fees, witnesses or burials, he shall take receipts for all sums so paid, and, upon oath or affirmation of the said coroner before a proper officer, accompanied by said receipts, he shall be entitled to a reimbursement of said sums from the county treasury.

Act of Assembly, 31 March, 1876, directs that, in all counties of over 150,000 inhabitants, all fees received by the coroner shall belong to the county. He is to keep an account of all fees (in this instance the fee is a fiction, as the coroner is paid his salary by the county treasury, into which he pays nothing), all receipts and transcripts are to be filed, and all his books shall be open to the inspection of the city controller or county auditors. All the coroners are to be sworn to services rendered.

The several counties to which this act shall apply shall, at the proper cost of the county, furnish the office furniture, books and stationery required for the use of any of the officers included in this act, and also all needed fuel, and the services of a janitor.

The salary of coroner in cities of over 300,000 inhabitants shall be $6,000.

The salary of deputy coroner in cities of over 300,000 inhabitants shall be $2,500.

In cities of less than 300,000 and over 250,000 inhabitants, coroner $2,000.

In cities of less than 250,000 and over 150,000 inhabitants, coroner $500.

These salaries to be in lieu of all other compensation.

Act of Assembly, 12 June, 1878.—The fees to be received by the coroners, while acting as sheriffs, shall be the same as those received by the sheriffs for similar services.

Act of Assembly, 3 February, 1848.—§ 1. In all cases hereafter of violent death in Berks and Lancaster counties, when an inquest shall be held on the body of the deceased, and it shall be deemed necessary, by a coroner or justice of the peace holding the inquest, to call upon a surgeon or physician to make a *post-mortem*

examination, the fee to be received of the county by such surgeon or physician shall be ten dollars, unless the commissioners of the county shall be of opinion that his services deserve more, when it may be increased by them to such an amount as they may think just.

ACT OF ASSEMBLY, 15 APRIL, 1853, extends the foregoing to Blair county.

ACT OF ASSEMBLY, 14 MARCH, 1857, extends the foregoing to Indiana county.

ACT OF ASSEMBLY, 27 FEBRUARY, 1863, extends the foregoing to Indiana county.

ACT OF ASSEMBLY, 14 MARCH, 1860, extends the foregoing to Bucks and Montgomery counties.

ACT OF ASSEMBLY, 2 APRIL, 1867, extends the foregoing to Washington county.

ACT OF ASSEMBLY, 2 APRIL, 1856, repeals the foregoing as to Berks county.

ACT OF ASSEMBLY, 19 APRIL, 1856, relates to Northampton county.

FORMS.

SUBPŒNA.

"*City and County of Philadelphia, ss:*

"THE COMMONWEALTH OF PENNSYLVANIA.

"To ——, Greeting:—

"We command you, that, laying aside all business and excuses whatsoever, you —— be and appear, in your proper person, before me, ——, coroner, at my office, on ——. And hereof fail not, under a penalty of one hundred pounds.

"Witness at Philadelphia, the —— day of ——, in the year of our Lord one thousand eight hundred and ——.

—— ——, Coroner."

ATTACHMENT.

"*City of Philadelphia, ss:*

"THE COMMONWEALTH OF PENNSYLVANIA.

"To any constable in the city of Philadelphia most convenient to the defendant, Greeting:—

"We command you, that you attach ——, in the said city, if he

be found in your bailiwick, and him safely keep, so that you have his body before the subscriber, ——, coroner in and for the said city, at his office, No. — street, in the said city, on the —— day of ——, A. D. 18—, at — o'clock —., to answer us of a certain contempt by him done, in refusing to appear before our said coroner, at his office, then and there to testify his knowledge in a certain action depending before our said coroner, wherein —— is plaintiff and —— is defendant, as the said —— was duly required and summoned so to do. Have you then and there this writ.

"Witness the said coroner, who hath hereunto set his hand and seal the —— day of ——, A. D. 18—.

[SEAL.] —— ——, Coroner."

INQUISITION.

"*City and County of Philadelphia, ss:*

"THE COMMONWEALTH OF PENNSYLVANIA.

"An inquisition taken at ——, in the city of Philadelphia, the —— day of ——, in the year of our Lord one thousand eight hundred and ——, before ——, coroner of the city and county of Philadelphia, upon view of the body of ——, then and there lying dead, and upon the oaths and affirmations, respectively, of ——, six good and lawful men aforesaid, charged to inquire (on the part of the commonwealth of Pennsylvania) when, how and by what means the said —— came to —— death, do, upon their solemn oaths and affirmations, respectively say, that it appears from the evidence before us that —— death was caused by ——.

"In witness whereof, as well the said coroner as the said jurors have to this inquisition set their hands and seals, this day and year and place first mentioned, and the undersigned jurors and witnesses, respectively, acknowledge the receipt of twenty-five cents from the coroner.

—— ——, Coroner.

[SEAL.] —— ——, Witnesses."

COMMITMENT.

"*City of Philadelphia, ss:*

"THE COMMONWEALTH OF PENNSYLVANIA.

"To any constable or officer of police, and to the keeper of the prison of the county of Philadelphia, Greeting:—

"These are to authorize and require you, the said constable or officer of police, forthwith to convey and deliver into the custody of the keeper of the said prison, the bod— of ——, charged before ——, coroner of the said city, on the ——. And you, the said keeper, are hereby required to receive the said —— into your custody in the said prison, and —— there safely to keep, to answer at the next court of oyer and terminer and quarter sessions of the peace ——, or until —— shall thence be delivered by due course of law. And for so doing, this shall be your sufficient warrant.

"Given under my hand and seal this —— day of ——, A. D. 18—.

[SEAL.] —— ——, Coroner."

RHODE ISLAND.

1. The town councils of the several towns, and the city councils of the several cities, shall, respectively, elect as many coroners for their respective towns and cities as they shall deem proper. If no election is made as aforesaid, as is herein provided, justices of the peace shall be coroners throughout the towns in which they dwell.

2. The coroners so elected shall have exclusive jurisdiction, as coroners, within their respective towns and cities.

3. Every coroner, as soon as he shall be informed that the body of any person, supposed to have come to his death by violence or casualty, has been found within his town, may—and in case that any prisoner in the State prison, or in one of the State jails, has deceased while so imprisoned, shall—issue his warrant to the sheriff, or to either of his deputies, or to either of the town sergeants or constables within the county, requiring him to summon a jury of six good and lawful men of the same town, to inquire into the cause of the death of such person.

4. Every officer failing to execute such warrant shall forfeit ten dollars, and every person summoned as a juror as aforesaid, who shall fail to appear, or to render to such coroner a reasonable excuse therefor, shall forfeit five dollars; which forfeitures shall be sued for and recovered by the town treasurer, for the use of such town, in an action of debt.

5. Whenever, from any cause, any of the jurors summoned shall

not appear, or, appearing, shall be excused by the coroner from serving on such jury, the coroner may issue another warrant to supply the deficiency.

6. The coroner shall swear six jurors, and shall give the foreman by him appointed his oath, upon the view of the body, in form following:—

"You solemnly swear that you will diligently inquire, and true presentment make, on behalf of this State, how and in what manner ——, who lies here dead, came to his or her death; and you shall deliver to me, one of the coroners of the town of ——, in the county of ——, a true inquest thereof, according to such evidence as shall be laid before you: So help you God."

7. The jurors being sworn, in view of the body, the coroner shall give them a charge, upon their oaths, to declare of the death of the person; whether he died of felony, of misfortune or of accident; and if of felony, by whose hand; and who were principals and who were accessories thereto, and of all material circumstances connected therewith; and if he died by mischance or accident, whether by the act of any person, or by hurt, fall, stroke, drowning or otherwise; to inquire of the persons who were present, the finders of the body, his relatives and neighbors, whether he was killed in the same place he was found; and if elsewhere, by whom and in what manner he was brought from thence, and of all the circumstances relating to such death.

8. The jury being charged, shall stand together, and the coroner shall cause a proclamation to be made for all persons who can give evidence how and in what manner the person, then and there lying dead, came to his death, to draw near and shall be heard; and every coroner is further empowered to summon and, if necessary, to grant compulsory process, for the appearance of witnesses and to administer an oath to them in form following:—

"You solemnly swear (or affirm) that the evidence which you shall give to this inquest, concerning the death of ——, here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God (or this affirmation you make and give, on peril, to the jury)."

9. The testimony of each witness shall be drawn up in writing and subscribed by him; and if any witness charge any person with killing, or of being in any way instrumental in the death of a per-

son so found dead, the coroner shall bind such witness, by recognizance, and in a reasonable sum, for his personal appearance at the next supreme court or court of common pleas to be holden within and for the same county, then to give evidence accordingly; and if any such witness shall refuse to recognize as aforesaid, the coroner shall and may commit such witness to the jail of the county, there to remain until he shall recognize, or be otherwise discharged according to law.

10. The jury, having viewed the body, heard the evidence and made all the inquiry within their power, shall draw up and deliver unto the coroner their verdict upon the death under consideration, in writing, under their hands, and the coroner shall set his hand thereto, and shall return to the next supreme court or court of common pleas holden in the county, the inquisition, written evidence and recognizances, if any, by him taken.

11. Upon an inquisition found before any coroner of the death of any person by felony or misfortune, he shall immediately make a complaint thereof, in writing and on oath, to some justice of the peace in the same county, to the intent that the person killing, or being in any way instrumental to the death, may be apprehended, examined and secured for trial.

12. The following shall be the form of the inquisition to be taken as aforesaid:—

"State of Rhode Island and Providence Plantation.

"An inquisition taken at ——, in the county of ——, on —— day of ——, in the year of our Lord ——, before ——, one of the coroners of the town of ——, in said county of ——, upon view of the body of ——, there lying dead, by the oaths of six good and lawful men, who, being sworn and charged to inquire for the said State when, how and by what means the said —— came to his death, upon their oaths do say (then insert how, where, when and by what means he was killed, and if it appears that he was murdered by a person known, then the inquisition shall be concluded thus): And so the jurors aforesaid, upon their oaths aforesaid, do say that the said ——, in manner and form aforesaid, of his malice aforethought, the said —— did kill and murder, against the peace and dignity of this State." (If it appear that he committed suicide, then the inquisition shall conclude thus): "And so the jurors aforesaid, upon their oaths aforesaid, then and there voluntarily swear he

killed himself." (If it appears that the death was by misfortune, the inquisition shall conclude thus): "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said ——, in manner aforesaid, came to his death by misfortune." (If the death was occasioned innocently, by the hands of any other person, the inquisition shall conclude thus): "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said ——, by misfortune, and contrary to the will of the said ——, in manner and form aforesaid the said —— did kill and slay.

"In witness whereof, the said jurors have hereunto set their hands the day and year aforesaid.

"In witness of all the before written, the said coroner hath hereunto set his hand the day and year aforesaid."

13. Coroners may, upon petition to them, under oath, setting forth that the death of any person has been caused by unlawful means, in their discretion, cause the body of such person to be disinterred for the purpose of *post-mortem* examination.

FEES.

13. To the coroner, for taking the inquest, . .	$1.00.
For each day employed therein, ...	3.00.
For every page of testimony of two hundred words,	.30.
To each juror impanelled, for each day employed, .	2.00.
To the officer summoning the jury, ...	2.00.
And for each day attending the inquest, . . .	2.00.

SOUTH CAROLINA.

1. That there shall be a general election for the election of county coroners held in each county on the third Wednesday of October, A. D. 1872, and on the same day in every fourth year thereafter.

2. That the county coroners shall continue to perform the duties of their respective offices until their successors shall be elected and duly qualified.

3. That the county coroners, before receiving their commissions, shall enter into bonds, to be executed by them, and any number of sureties—not exceeding twelve nor less than two—to be approved by a majority of the board of commissioners of Charleston county, in the sum of ten thousand dollars; of the coroner of each of the

other counties, two thousand dollars. Said bond to be lodged in the office of the county commissioners of their respective counties.

4. That every coroner shall, before he is qualified to act, in addition to the oath of office, take an oath to enforce and—to the extent of his power and ability—carry into effect the law against gunning, and in all cases to bring to justice violations of the same, whenever such violations shall come within his view and knowledge.

5. When a person has been elected or designated for appointment to the office of coroner, and has taken and subscribed the oath of office, and has given bond as required by law, it shall be the duty of the governor to issue a commission to him accordingly.

6. That the coroner of any county may appoint one or more deputies, to be approved by any judge of the court of common pleas of such county, who shall take and subscribe the oath prescribed by the constitution before entering upon the duties of said office. Said oath may be administered by any officer authorized to administer oaths in the county.

7. That the appointment of every such deputy shall be evidenced by a certificate thereof, signed by his principal, and shall continue during the pleasure of the principal; and every principal may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of his appointment; and the principal shall, in all cases, be answerable for the neglect of duty or misconduct in office of his deputy.

8. No coroner shall act as a jailer, deputy sheriff or under any appointment by a sheriff; and if any coroner shall accept or shall act under the appointment of the sheriff of his county, his office shall be vacated, and the same shall be filled in the manner provided by law in case of vacancy from any other cause.

9. The coroner shall keep an office at the court-house in his county, which shall have proper fixtures, and in which shall be kept his Book of Inquisitions; which book shall be public property, and shall be turned over to his successor in office.

10. Any trial justice of the county is authorized and required to exercise all the powers and discharge all the duties of the coroner in holding inquests over the bodies of deceased persons, and taking all proper proceedings thereon, in all cases when the coroner of the county be sick or absent, or at a greater distance than fifteen miles from the place of such inquiry, or when the office is vacant.

11. Every coroner within the county for which he has been elected or appointed is empowered to take inquests of casual or violent deaths, where the dead body is lying within his county.

12. That if any person shall be bitten by a rattlesnake, and shall die suddenly and immediately of such bite, such death shall be deemed a violent and untimely death, and the coroner shall have a view of such body, and make inquiry thereon as of any other body that came to any other violent or casual death.

13. If the sheriff shall be a party, plaintiff or defendant, in any judicial process, execution, warrant, summons or notice to be served or executed within his county, the coroner shall serve or execute such process, execution, warrant, summons or notice; in the discharge of which duties he shall incur as would by law attach to their performance by the sheriff himself.

14. That in the event that a vacancy shall occur in the office of coroner in any county of the State, whether by death, resignation or otherwise, the governor shall, by proclamation, designate some trial justice of the county wherein the vacancy occurs, to act as coroner until, by order of the legislature, an election shall be had to fill the vacancy.

15. The coroner, while discharging the office of sheriff, shall provide a suitable book, in which he shall enter such executions or other papers as he may be directed to enter by competent authority; and also all new writs, processes, executions or other papers proper to be entered by a sheriff; and also all his proceedings as sheriff, in manner and form as sheriffs are required by law to do; which book, or a certified copy thereof, he shall leave in the sheriff's office as a record

16. The coroner shall not be bound to act upon any papers in the sheriff's office, except he be specially instructed; nor shall he be bound to embrace, in his return to the clerk's office, any execution found in the sheriff's office which is not entered in his book, or upon which he may not have taken any proceedings.

17. As soon as the coroner shall enter upon the duties of sheriff, he shall, in the presence of clerks of the court, or jailer of the county, if there be one, make a list of the prisoners in the jail, signed by himself and the jailer, entered in the coroner's book, and the original lodged in the clerk's office.

18. Upon retiring from the sheriff's office, he shall turn over the papers of the office, and the prisoners in jail, to the succeeding

sheriff, in manner and form as sheriffs may be required to execute the same duty.

19. Every coroner shall keep a book to be called the "Coroner's Book of Inquisition," into which he shall copy all inquests found within his county, together with the taker before the jury, and all proceedings held before or after their finding.

20. The original inquisition and evidence, as taken by him, shall be returned by the coroner, within ten days next after the finding thereof, to the clerk of the court of general sessions for the county in which it was found.

21. The coroner, before he returns such inquisition and evidence, shall endorse the same in this form :—

"South Carolina,

—— *County.*

"The State *versus* the dead body of A. B.

"Inquisition taken this —— day of ——, A. D. ——, by ——, coroner for said county, entered and recorded in coroner's Book of Inquisitions, page —, this —— day of ——, A. D. ——."

For other Forms, see end of Part II.

FEES.

22. The coroner shall be entitled to the following fees :—

For every inquisition, ...	$10.00.
For mileage, going and returning, per mile, . .	.05.
For each warrant issued, ...	.50.
For each commitment, ...	.50.
For each recognizance, ...	.75.
For each body disinterred, ...	3.00.
For recording proceedings, per hundred words, . ,	.15.

Charleston County.

Laws Amended in 1878.

1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in general assembly, and by the authority of the same, that the county of Charleston be, and it is hereby, divided into eight districts, for each of which the coroner of the said county shall appoint a deputy coroner, and the deputy of the first district shall also be the clerk of the coroner.

2. That within his district, subject to the orders and instructions of the coroner, each deputy coroner shall discharge the same duties now provided by law for the coroner, except such as relates to the duties of the sheriff; *Provided*, that nothing herein contained shall be construed to prevent or interfere with the exercise of the duties of his office, by the coroner himself, in any part of the said county.

3. That there shall be paid to the coroner, out of the funds of the county, by the county treasurer, upon the order of the county commissioners, a salary at the rate of twenty-five hundred dollars per annum; and to each deputy coroner, except the deputy in the first district, a salary at the rate of two hundred and fifty dollars per annum; and to the deputy coroner in the first district a salary at the rate of eight hundred dollars per annum.

4. That the coroner shall appoint for each deputy coroner a constable, with a salary of one hundred and fifty dollars per annum, except the constable of the deputy of the first district, who shall receive four hundred dollars per annum, payable by the county treasurer, out of the funds of the county, upon the order of the county commissioners.

5. That the deputy coroners and constables shall be removable at the pleasure of the coroner.

6. That the coroner be, and he is hereby, authorized to appoint a special deputy coroner, with jurisdiction in any part of the said county, whenever any special occasion may require such appointment; *Provided*, that such special deputy shall have no right to make any charge against said county for his services as such special deputy.

7. That all acts and parts of acts giving authority to trial justices, *virtute officii*, to act for the coroner on any occasion, be repealed, so far as they may include or relate to the county of Charleston.

8. That the coroner shall file with the county commissioners a notice, in writing, of the appointment of any of his regular deputies or constables, and also a notice, in writing, of the removal of them, or any of them, immediately upon such appointment or removal.

9. The county commissioners shall provide the coroner an office in the city of Charleston, with necessary stationery and books; *Provided*, the cost of the same does not exceed twenty-five dollars per annum.

10. That for any neglect of the duties of his office, or for any malfeasance therein, the coroner or deputy coroner so neglecting such duty, or so committing malfeasance therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars and not more than one thousand dollars, or be imprisoned, at the discretion of the court, or be both fined and imprisoned, as the court may direct. One half of such fine shall be paid to the person informing upon such neglect or malfeasance. In case of death from old age or other natural causes, the coroner, upon proof thereof, may issue a burial certificate without impanelling a jury.

11. That all acts or parts of acts providing any other fees, costs, charges and compensation whatsoever to coroners, their deputies or constables or clerks, be, and the same are hereby, repealed, so far as they may include or relate to the county of Charleston.

12. For the purpose of said districting, the parishes of St. Phillips and St. Michaels shall constitute the first district, and the coroner shall, upon the passage of this act, divide the county into seven other districts, and assign a deputy to each district, giving public notice of such division and assignment in a daily newspaper in the city of Charleston.

13. That nothing herein contained shall affect the costs, fees or compensation to which the coroner may be entitled when performing any of the duties of the sheriff, or when he acts in lieu of the sheriff.

TENNESSEE.

1. The coroner shall be appointed by the county court, and hold his office for two years, and until his successor is qualified.

2. Such court shall have power to remove the coroner for misconduct, omission of duty, and may also supply any vacancy.

3. The coroner shall, previous to entering upon the duties of his office, enter into bond, with two or more good securities, to be approved by the court, entered upon the minutes and filed, in the penalty of twenty-five hundred dollars, payable to the State, conditioned truly and faithfully to execute the office of coroner.

4. Failing to give his bond within ten days after his appointment, he shall vacate his office.

5. The coroner shall discharge the duties of sheriff when that

office is vacant, when the sheriff is imprisoned, when he is a party, when he is incompetent to act, or when exception is taken to the sheriff.

6. When the coroner is required to discharge all the duties of the sheriff, the county court may, at its discretion, require him to give additional bonds.

7. For the failure to perform any duty, or the improper or neglectful performance of such duty, or for any wrongful act committed under color of office, by the coroner, while discharging the duties of sheriff, he and his sureties shall be liable to the same penalties, forfeitures and judgments given by law against sheriffs in like cases, to and upon the same proceedings as are given by law against sheriffs and their sureties.

8. It is not lawful to bury the dead body of any person who may have come to his death by accident, by unlawful violence or by any suspicious course, without first giving notice to the coroner, or, if absent and sick, some justice of the peace.

9. Hereafter, justices of the peace in this State shall have the same power, when called on to hold juries of inquest over the bodies of deceased persons, as coroners of counties now have, and that they have the same fees for the same as are now allowed coroners for the same services.

10. Every person violating the provisions of section eight is liable in the sum of fifty dollars, to be recovered before any tribunal having cognizance of the amount, one-half for the use of the county and the other half to the person suing.

11. If the death is by accident, in the presence of any person, the jury of inquest may be summoned by a justice of the peace; and if the jury find the death to have been by accident, the body may be buried without notice to the coroner.

12. But should the jury be of opinion that the person came to his death by the act of another, by unlawful means, it is the duty of the justice to give notice to the coroner, who shall hold an inquest in the ordinary way.

13. It is the duty of the coroner, when he has notice of the dead body of a person, supposed to have died by unlawful means, found or being in his county, to summon forthwith a jury of seven lawful men of the county to appear before him forthwith, at a specified place, to inquire into the cause of the death.

14. When there is no coroner, and in case of his absence or ina-

bility to act, any justice of the peace of the same county is authorized to perform the duties of coroner in relation to dead bodies.

15. The jurors shall be sworn to inquire who the person was, and when, where and by what means he came to his death, and to render a true verdict thereon, according to the evidence offered to them or arising from the inspection of the body.

16. The coroner may issue subpœnas for witnesses, returnable forthwith or at such time and place as he may appoint, and may enforce their attendance, and punish them for contempt and other causes, in like manner as a justice of the peace in a State case.

17. The coroner shall summon and examine as a witness every person who, in his opinion, or that of any of his jury, has any knowledge of the facts.

18. He may also summon as a witness a surgeon or physician to make examination of the body and give a professional opinion as to the cause of the death, whose fee shall not exceed the coroner's, and shall be allowed in the bill of costs.

19. No allowance shall be made under the two preceding sections, except to persons actually summoned by the coroner for the express purpose, and duly reported by him to the court.

20. The summons for the jurors and the subpœnas for witnesses may be served by the sheriff or any constable of the county, or by the coroner himself.

21. The jury, after inspecting the body, hearing the testimony and making all needful inquiries, shall render a verdict by an inquisition, in writing, signed by them, setting forth, as near as may be, who the person was, when, where and by what means he came to his death, and whether by the act of another, and what other person, and whether by unlawful means.

22. The inquisition is as follows:—

"STATE OF TENNESSEE,

—— *County.*

"An inquisition holden at ——, in the county and State aforesaid, on the —— day of ——, 18—, before ——, coroner of said county, upon the body of —— (or a person unknown), there lying dead, by the jurors whose names are hereto subscribed, who, upon their oaths, do say (here state when, how, by what person, means, weapon or accident he came to his death, and whether feloniously, as near as may be, according to the requirements of the foregoing section).

"In testimony whereof, the said jurors have hereunto set their hands the day and date above."

23. The coroner shall return the inquisition to the criminal court of his county, if any, and if not, to the circuit court of said county, forthwith, together with a list of the witnesses who testify to material facts.

24. The coroner shall also require all material witnesses to enter into an undertaking to appear at such court, if in session, or at the next succeeding term, and may require security for such undertaking; and for this purpose, he is vested with all the powers of a justice of the peace in State cases.

25. If the jury find that the deceased came to his death by the act of another, by unlawful means, the coroner may arrest the person implicated, if present, and may make out a warrant requiring an officer, or other person authorized by him, to take such person before a magistrate, or may commit him until he can be carried before a magistrate.

26. If the person charged be not present, the coroner may issue his warrant to the sheriff, or any other lawful officer, requiring him to arrest such person and take him before a magistrate.

27. The warrant of a coroner in the above cases shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice, he shall be dealt with as a person held under complaint in the usual form.

28. After the inquisition, the coroner may deliver the body of the deceased to his friends, if there be any, but if not, he shall cause him to be decently buried, and the expense to be paid from the property found with the body, or, if there be none, from the county treasury, by certifying an account of the expenses to the county judge or chairman, who shall allow and pay the same, if deemed reasonable, as other claims on the county.

29. The coroner shall, within forty days after an inquest on a dead body, deliver to the county trustee any money or other property found on the body, unless claimed in the meantime by the legal representatives of the deceased. If he fails so to do, the trustee may, by motion before any tribunal having cognizance of the amount, upon ten days' notice to him, recover from him and his official sureties the amount in value thereof, with interest, and twelve and one-half per cent. damages.

30. Upon receipt of the money by the trustee, he shall place it

to the credit of the county. If it be other property, he shall, within three months, sell it at the court-house of the county, at public auction, upon reasonable public notice, and shall, in like manner, place the proceeds to the credit of the county.

31. If the property, before sale, or the money in the treasury, be demanded in six years by the legal representatives of the deceased, the trustee shall deliver or pay it to them, after deducting the fees of the coroner, expenses of sale and three per cent. commission for himself; and the money may be paid to such representative at any time after the expiration of six years, upon the order of the county court.

FEES.

The coroners in this State are allowed to demand and receive the same fees as sheriffs for similar services.

They are also entitled to demand and receive for each inquisition, five dollars.

TEXAS.

1. Any justice of the peace shall be authorized, and it shall be his duty, to hold inquests within his county in the following cases:—

When any person dies in prison.

When any person is killed or, from any cause, dies an unnatural death, except under sentence of the law.

When the body of any human being is found and the circumstances of his death are unknown.

When the circumstances of the death of any person are such as to lead to suspicion that he has come to his death by unlawful means.

2. When a body, upon which inquest ought to have been held, has been interred, the justice of the peace may cause it to be disinterred for the purpose of holding such inquest.

3. The justice of the peace shall act in such cases upon verbal or written information given him by any credible person, or upon facts within his own knowledge.

4. It is the duty of the sheriff, and of every keeper of any prison, to inform the justice of the peace of the death of any person confined therein.

5. The justice of the peace may summon a jury of inquest himself, or may direct an order to any peace officer for that purpose.

6. A jury of inquest shall consist of six men, citizens of the proper county, freeholders, householders and qualified electors.

7. A person summoned as a juror in such cases, who refuses to obey the summons, may be fined by the justice of the peace not exceeding ten dollars.

8. The justice shall, as soon as a jury is summoned, proceed with them to the place where the dead body may be, for the purpose of inquiring into the cause of the death.

9. The following oath shall be by the justice of the peace administered to the jury:—

"You swear that you will diligently inquire into the cause, manner, time and circumstances of the death of the person whose body lies before you, and that you will thereupon make presentment of the truth, the whole truth, and nothing but the truth: So help you God."

10. The justice of the peace shall have power to issue subpœnas to enforce the attendance of witnesses upon an inquest, and in case of disobedience or failure to attend, may issue attachments for such witnesses.

11. Witnesses shall be sworn and examined by the justice, and the testimony of each witness shall be reduced to writing by the justice, or under his direction, and subscribed by the witness.

12. Should the justice deem proper, the inquest may be held in private; but in all cases where a person has been arrested charged with having caused the death of the deceased, such person and his counsel shall have the right to be present at the inquest, and to examine witnesses and introduce evidence before the jury.

13. If other persons than the justice, jurors and the accused and his counsel are present at the inquest, they shall not interfere with the proceedings, and no question shall be asked a witness except by the justice, the accused or his counsel, or one of the jurors; and the justice may fine any person violating this article for contempt of court, not exceeding twenty dollars, and may cause such to be placed in custody of a peace officer and removed from the presence of the inquest.

14. After having examined into the cause, time, manner and place of the death of the deceased, the jury shall form their verdict, setting forth distinctly the facts relating thereto which they

find to be true, which verdict shall not be valid unless signed by the justice of the peace and each of the jurors.

15. The justice of the peace shall keep a book in which he shall make a minute of all the proceedings relating to every inquest held by him. Such minute shall set forth—

First.—The nature of the information given the justice of the peace, and by whom given, unless he acts upon facts within his own knowledge.

Second.—The time and place when and where the inquest was held.

Third.—The name of the deceased, if known, or, if not known, as accurate a description of him as can be given.

Fourth.—The verdict of the jury of inquest.

Fifth.—If any arrest is made of a suspected person before the inquest is held, the name of the person and the fact of his arrest, as well as everything material which relates thereto, shall be noted.

16. When the justice has knowledge that the killing was the act of any person, or when an affidavit is made that there is reason to believe that such person has killed the deceased, a warrant may be issued for the arrest of the person accused before the inquest is held, and the accused and his counsel shall have the right to be present when the same is held, and to examine the witnesses and introduce evidence before the jury.

17. Every peace officer to whose hands the justice's warrant of arrest shall come is bound to execute the same without delay, and he shall detain the person arrested until his discharge is ordered by the justice or other proper authority.

18. A warrant of arrest in such case shall be sufficient if it issues in the name of "The State of Texas," recite the name of the accused—or describe him, when his name is unknown,—sets forth the offence charged in plain language, and is signed officially by the justice.

19. If it be found by the verdict of the jury of inquest that a person already arrested did in fact kill the deceased, or was an accomplice or accessory to the death, the justice may, according to the facts of the case, commit him to jail, or require him to execute a bail-bond, with security, for his appearance before the proper court to answer for the offence.

20. A bail-bond taken before a justice shall be sufficient if it recite the offence of which the party is accused, be payable to the

State of Texas, be dated and signed by the principal and his surety; and such bond may be forfeited, and judgment recovered thereon, and the same collected, as in the case of any other bail-bond.

21. When, by the verdict of a jury of inquest, it is found that any person, not in custody, killed the deceased, or was an accomplice or accessory to the death, the justice shall forthwith issue his warrant of arrest to the sheriff, or other peace officer, commanding him to arrest the person accused and bring him before such justice, or before some other magistrate named in the writ.

22. The warrant mentioned in the preceding article shall be sufficient if it run in the name of the State of Texas, give the name of the accused—or describe him, when his name is unknown,—recite the offence with which he is charged in plain language, and be dated and signed officially by the justice.

23. The peace officer into whose hands such warrant may come shall forthwith execute the same by arresting the defendant and taking him before the magistrate named in the warrant; and the magistrate shall proceed to examine the accusation, and the same proceedings shall be had thereon as in other cases where persons accused of offences are brought before him. Nothing contained in this title shall prevent proceedings from being had for the arrest and examination of an accused person before a magistrate, pending the holding of an inquest; but when a person accused of an offence has been arrested under a warrant from the justice, he shall not be taken from the hands of the peace officer by a warrant from any other magistrate.

24. When an inquest has been held, the justice before whom the same was held shall certify to the proceedings, and shall enclose in an envelope the testimony taken, the verdict of the jury, the bail-bonds, if any, and all other papers connected with the inquest, and shall seal up such envelope and deliver it, properly indorsed, to the clerk of the district court, without delay, who shall safely keep the same in his office, subject to the order of the court.

25. It shall be the duty of the justice to carefully preserve all evidence whatsoever that may come to his knowledge and possession which might, in his opinion, tend to show the real cause of the death, or the person, if any one, who caused such death, and shall deliver all such evidence to the clerk of the district court, who shall keep the same safely, subject to the order of the court.

26. The justice may, should he deem it proper, require bail of

witnesses examined before the inquest to appear and testify before the next grand jury, or before an examining or other proper court, as in other cases.

FEES.

27. A justice of the peace shall be entitled, for summoning a jury, and all other business connected with an inquest on a dead body, including certifying and returning the proceedings to the proper court, ... $5.00.

The officer, other than a justice of the peace, who summons a jury of inquest, ... 2 50.

Witness, per day, ... 1.50.

Mileage, per mile, ...06.

VIRGINIA.

1. Whenever, in any county or corporation, there may be no coroner, the court thereof shall nominate two persons residing therein, one of whom the governor may appoint to be coroner. If the court shall be of opinion that there ought to be an additional coroner, it may nominate two other persons residing in the county or corporation, one of whom the governor may appoint to the office. Every coroner may hold his office during good behaviour.

2. Upon notice of a death, supposed to have been caused by violence and not by casualty, the coroner of the city of Richmond, if the dead body be in the penitentiary—and in any other case, the coroner of the county or corporation in which the dead body is—shall issue a warrant to the following effect:—

"—— *County (or Corporation of* ——), *to wit:*—

"To the sheriff (or sergeant) or any constable of —— county (or the corporation of ——).

"You are required to summon twelve jurors of the county (or corporation) of —— to attend before me, a coroner of said county (or corporation), at the dwelling-house of —— (or at a place called ——), in said county (or corporation), at the hour of —, to inquire, upon the view of the body of —— (or a person unknown), there lying dead, when, how and by what means he came to his death.

"Given under my hand this —— day of ——.

—— —— Coroner."

3. The coroner may issue a summons, directed like the warrant, commanding the officer to summon witnesses to attend before him at such time and place as he may direct.

4. Any such officer to whom the warrant or summons may be delivered, shall forthwith execute it, and make return thereof to the coroner, at the time and place named therein. If he fail so to execute and return the same, he shall forfeit twenty dollars; and if any person, summoned as a juror, fail to attend as required, without sufficient excuse, he shall forfeit ten dollars.

5. If twelve jurors do not attend, the coroner may require the officer, or any other person, to summon others. When the full number of twelve have appeared, the coroner, in view of the body, shall administer to them the following oath:—

"You swear that you will diligently inquire, and true presentment make, when, how and by what means the person, whose body here lies dead, came to his death, and return a true inquest thereof, upon your own knowledge and the evidence before you: So help you God."

6. Witnesses on whom the summons before mentioned is served, may be compelled by the coroner to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice in a criminal case. They shall be sworn by the coroner before giving evidence to the inquest, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them, respectively.

7. The jury, after hearing the evidence and making all needful inquiries, shall deliver to the coroner their inquisition, wherein they shall state the name of the deceased, if it be known, and the material circumstances attending his death; and if they find that he came to his death by unlawful violence, who were guilty thereof, either as principal or accessory.

The inquisition may be to the following effect:—

"—— *County* (*or Corporation of* ——), *to wit:*—

"An inquisition taken at ——, in the county (or corporation) of ——, on the —— day of ——, in the year ——, before ——, a coroner of the said county (or corporation), upon the view of the body of —— (or a person unknown), there lying dead, the jurors, sworn to inquire when, how and by what means the said —— (or person unknown) came to his death, upon their oaths, do say (then

insert when, how and by what person, means, weapon or instrument he was killed and any material circumstances).

"In testimony whereof, the said coroner and jurors have hereto set their hands."

8. The coroner shall return to his county (or corporation) court the inquisition, written testimony and recognizances by him taken; and if the jury find that murder, manslaughter or assault has been committed on the deceased, shall require such witnesses as he thinks proper to give a recognizance to appear and testify at such court, when it sits for the trial of the accused.

9. If a person charged with the offence by the inquest be not in custody, the coroner may, for his apprehension, issue process in the same manner as a justice, and it shall be returnable before a justice and proceeded on.

10. If the dead person be a stranger, whether an inquest be taken, or the coroner called, on to view the body, thinks it unnecessary to have an inquest, he shall cause the body to be decently buried. If the coroner certify that he believes the deceased has not sufficient estate in this State to pay the expenses of the burial, the coroner's fees, and the expenses of the inquest, if one was taken, they shall, when allowed by the court of the coroner's county or corporation, be paid out of the treasury. In other cases, all such charges shall be paid out of the estate of the deceased, or, if the estate be insufficient, by the county or corporation aforesaid, unless the inquest be on the body of a convict in the penitentiary; in which case the same shall be paid out of the treasury, after being allowed by the executors.

11. In taking an inquest, the coroner may require one or more physicians to attend and give information and render services incident to his profession useful to the jury, and reasonable compensation therefor shall be allowed, as a part of the costs of the inquest.

12. If a coroner fail to perform any duty herein required of him, he shall forfeit one hundred dollars. In case of such failure, or if there be no coroner authorized to act, or none in the neighborhood in which the dead body may be found, a justice of the court, by which the nomination of a coroner so authorized was or might be made, may act as coroner and be entitled to the same fees and be subject to the same penalties.

13. Under this chapter, proceedings may be had for summoning

a jury and witnesses, and an inquest may be held as well on Sunday as on any other day.

FEES.

A coroner, for an inquest on a dead body, . . . $5.00.

Summoning a coroner's jury and the witnesses, the constable shall have . . . . . 3.00.

Mileage for constable summoning a person by virtue of a warrant, each mile, either going or returning, ...04

For serving a warrant or taking a bond or giving notice thereon, the constable shall have . . . . . .30.

Summoning a witness or garnishee on an attachment, the constable shall have . . . . . .20.

VERMONT.

1. When the selectmen of any town in this State, or any one of them, shall be informed that the dead body of any person, supposed to have died by casualty or violence, is found lying within such town, such selectmen or man may, if in their opinion the public good requires it, but not otherwise, apply to any justice of the peace of the same county, who shall proceed to inquire into the cause and manner of the death of such person.

2. Such justice of the peace shall have power to issue a subpœna and an attachment, if necessary, to bring witnesses before him to give evidence touching the manner and cause of such death, and may take the testimony of any person who can give evidence concerning such death.

3. It shall be the duty of such justice to take the substance of the testimony of each witness, in writing, and return the same to the county court next to be holden in such county, together with an account of the fees and expenses of such inquest, which, after having been duly audited by said court, shall be paid, on the order of said court, out of the State treasury.

4. In case of felonious killing, the justices taking such testimony shall have power to bind, by way of recognizance, any witnesses in the case, for their appearance before the county court next to be holden in such county.

FEES.

There is no specific statement in the laws giving fees to jurymen

in case of inquests. The only presumption is they are allowed the same as petit jurors in the county courts.

For attendance, per day, ...	$2.00.
For mileage, per mile, ...	.08.

WEST VIRGINIA.

1. Every justice, upon being notified that the dead body of a person, whose death is supposed to have been caused by violence or other unlawful act and not by casualty, is within his township, shall forthwith issue his warrant, directed to a constable thereof, who shall proceed to execute and make return of the same, commanding such constable to summon twelve suitable residents of the county, to be designated in the warrant, to make inquisition, upon the view of the body of the person named therein, or of a person unknown, as the case may be, how such person came to his death; and may, by indorsement on such warrant, or by subpœna, command the officer to whom the same is delivered to summon such witnesses as the justice may designate, or as the constable may be informed or have reason to believe, have knowledge of the circumstances attending such death, to be in attendance upon the said inquest, at such time as may be designated in such indorsement or subpœna. In case of the inability or failure of such justice or constable to act, any other justice or constable of the county may perform the respective duties imposed by this and the succeeding section, and be entitled to the same fees and be subject to the same penalties.

2. Any such constable to whom the warrant or subpœna may be delivered, shall forthwith execute it, and make return thereof to the justice who issued the same, at the time and place named therein. If he fail so to execute and return the same, he shall forfeit twenty dollars; and if any person, summoned as a juror, fail to attend as required, without sufficient excuse, he shall forfeit ten dollars.

3. If twelve jurors do not attend, the justice may require the constable, or any other person, to summon others. When the full number of twelve have appeared, the justice, in view of the body, shall administer to them the following oath:—

"You swear that you will diligently inquire, and true presentment make, when, how and by what means the person, whose body

here lies dead, came to his death, and return a true inquest thereof, upon your own knowledge and the evidence before you: So help you God."

4. Witnesses on whom the summons before mentioned is served, may be compelled by the justice to attend and give evidence, and shall be liable in like manner as if the summons had been issued by him in a criminal case. They shall be sworn by the justice before going to the inquest, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them, respectively.

5. The jury, after hearing the evidence and making all needful inquiries, shall deliver to the justice their inquisition, wherein they shall state the name of the deceased (if it be known), the material circumstances attending his death, and, if they find that he came to his death by violence or other unlawful act, who were guilty thereof, either as principals or accessories.

The inquisition may be to the following effect:—

"—— *County, to wit:*—

"An inquisition taken at ——, in the county of ——, on the —— day of ——, in the year ——, before ——, a justice of the —— of ——, in said county of ——, upon view of the body of —— (or a person unknown), there lying dead, the jurors, sworn to inquire when, how and by what means the said —— (or person) came to his death, upon their oaths, do say (then insert when, how and by what person, means, weapon or instrument he was killed, and any material circumstances).

"In testimony whereof, the said justice and jurors have hereto set their hands."

6. The justice shall return to the circuit court of his county the inquisition, written testimony and recognizances by him taken; and if the jury find that murder, manslaughter or assault has been committed on the deceased, shall require such witnesses as he thinks proper to give a recognizance to appear and testify at such court, when it sits for the trial of the accused.

7. If the person charged with the offence by the inquest be not in custody, the justice shall issue a warrant for his arrest, to be returnable before him or some other justice, and be proceeded on as directed.

8. If the dead person be a stranger, whether an inquest be taken

or the justice called on to view the body thinks it unnecessary to have an inquest, he shall cause the body to be decently buried. If the justice certify that he believes the deceased has not sufficient estate in this State to pay the expenses of the burial, the justice's fees, and the expenses of the inquest, if one was taken, they shall, when allowed by the county court, be paid out of the treasury of such county. In other cases, all such charges shall be paid out of the treasury of such county. In other cases, all such charges shall be paid out of the estate of the deceased, or, if it prove insufficient, out of the treasury of the county, unless the inquest be on the body of a convict in the penitentiary, in which case the same shall be paid out of the State treasury, after being allowed by the executive.

9. In taking an inquest, the justice may summon and require one or more physicians to attend and give information and render services incident to his profession, useful to the jury, and reasonable compensation therefor shall be allowed as part of the costs of the inquest.

10. If a justice fail to perform any duty herein required of him, he shall forfeit one hundred dollars.

11. Under this chapter, proceedings may be had for summoning a jury and witnesses, and an inquest may be held as well on Sunday as on any other day.

FEES.

12. There is no special provision made for witnesses at inquests; hence the regular witness fees for petit jurors.

For each day's attendance, ...	$1.00.
Mileage to and fro, per mile, ...	.05.

WISCONSIN.

1. Justices of the peace shall take inquests, upon view of dead bodies of such persons as shall be supposed to have come to their deaths by violence or casualty, within their respective counties, unless otherwise provided.

2. Whenever any justice of the peace shall have notice that the dead body of any person, supposed to have come to his death by violence or casualty, has been found within his county, he shall issue a precept to any constable of the county where such dead

body is, requiring such constable forthwith to summon a jury of six good and lawful men of the county to appear before him at the time and place specified in the precept, which precept shall be in substance as follows:—

"The State of Wisconsin to any constable of the county of ——

"You are hereby required immediately to summon six good and lawful men of the county of —— to appear forthwith before me, at ——, in the town of ——, to inquire, upon the view of the body of ——, there lying dead, how and by what means he came to his death.

"Given under my hand this —— day of ——, 18—.

J. P.,

Justice of the Peace."

3. Every constable to whom such precept shall be directed and delivered shall forthwith execute the same, and make return of the precept, with his proceedings thereon, to the justice who issued the same.

4. If any constable shall refuse or neglect to execute such precept, or to return the same as aforesaid, he shall forfeit and pay the sum of five dollars, and every person, summoned as a juror as aforesaid, who shall fail to appear, without having a reasonable excuse, shall forfeit and pay a sum not exceeding five dollars.

5. If six jurors shall not appear at the time and place appointed, the justice may require the constable to summon such number of jurors as shall make up the number of six, and when the requisite number so summoned shall appear, the justice shall there, in view of the dead body, administer to them an oath or affirmation in substance as follows:—

"You do solemnly swear that you will diligently inquire, on behalf of this State, when, in what manner and by what means the person, whose body lies here dead, came to his death, and that you will return a true inquest thereon, according to your knowledge and such evidence as shall be laid before you."

6. The justice may issue subpœnas for witnesses, returnable forthwith or at such time and place as he shall therein direct, and the attendance of the persons so served with such subpœnas may be enforced in the same manner, and they shall be subject to the same penalties, as if they had been served with a subpœna in behalf of the State to attend a justice's court; and it shall be lawful for

the justice taking such inquest, in all such cases to require, by subpœna, the attendance of one or more competent physicians or surgeons, for the purpose of making an examination of the body and of testifying as to the result of the same.

7. An oath or affirmation to the following effect shall be administered to each witness by the justice of the peace:—

"You do solemnly swear that the evidence you shall give to this inquest, concerning the death of the person here dead, shall be the truth, the whole truth, and nothing but the truth."

8. In all cases where any murder or manslaughter is supposed to have been committed, the testimony of all witnesses examined before the inquest shall be reduced to writing by the justice of the peace, or some other person by his direction, and subscribed by the witnesses.

9. The jury, upon the inspection of the body, and after hearing the testimony of the witnesses and making all needful inquiries, shall draw up and deliver to the justice of the peace their inquisition, under their hands, in which they shall find and certify when and in what manner and by what means the deceased came to his death, and his name, if known; and if it shall appear that he came to his death by unlawful means, the jurors shall further state who was guilty, either as principal or accessory, or were in any manner the cause of his death, if known.

10. Such inquisition may be, in substance, in the following form:—

"An inquisition taken at ——, in the county of ——, on the —— day of ——, 18—, before ——, one of the justices of the peace of the said county, upon view of the body of —— (or a person unknown), there dead, by the jurors whose names are hereunto subscribed, who, being duly sworn to inquire, on behalf of this State, when, in what manner and by what means the said —— (or person unknown) came to his death, upon their oaths, do say (here insert when, in what manner and by what means, persons, weapons or instruments he was killed or came to his death).

"In testimony whereof, the said justice of the peace and the jurors of this inquest have hereunto set their hands the day and year aforesaid."

11. If the jury find that any murder, manslaughter or assault has been committed upon the deceased, the justice of the peace

shall bind over, by recognizance, such witnesses as he shall think necessary to appear and testify at the next court to be held in the same county, at which an indictment for such offence may be found or an information filed; and he shall also return to the same court the inquisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the county any witness who shall refuse to recognize in such manner as he shall direct.

12. If any person charged by the inquest with having committed any such offence shall not be in custody, the justice of the peace shall issue a warrant for his apprehension, and such warrant shall be made returnable before him, or any other magistrate or court having cognizance of the case, who shall proceed thereon in the manner that is required of magistrates in like cases.

13. When any justice of the peace shall take an inquest upon the view of the dead body of a stranger, or, being called for that purpose, shall not think it necessary, on view of such body, that an inquest should be taken, he shall cause the body to be decently buried; and the said justice shall certify to all the charges incurred in taking any inquest by him, and to the expenses of burial of such dead body, and the same shall be paid out of the county treasury.

14. In each and every county in this State whose inhabitants exceed in number seventy-five thousand, all the duties in the foregoing sections of this chapter, required to be performed by justices of the peace, shall be performed by the coroners of such county; and such coroner is hereby invested with all the powers of a justice of the peace in taking inquests, by virtue of any of the provisions of this chapter, and shall have and exercise exclusive jurisdiction and power in taking such inquests in his county, except in case of inability to attend to such duties, caused by sickness or absence, in which case the same may be performed by any justice of the peace of such county.

15. Such coroner shall be paid quarterly, out of the county treasury of the proper county, for the performance of all his official duties—and in lieu of all other compensation—a salary to be fixed by the county board of said county; and such coroner shall collect, for all official services which he may perform (except in cases of inquest), such fees as he is now by law entitled to receive, and shall, at the end of every three months, under oath, report and pay the same to the county treasurer of said county.

16. It shall be the duty of the county board of such county to provide for the use of such coroner a suitable office room, at the county seat of the county, and it shall be the duty of such coroner to keep in his said office proper books, containing records of all inquests by him held, setting forth the time and place of holding such inquests, and the names of the jurors serving thereon, together with a brief statement of the proceedings thereof.

17. Before entering upon the duties of his office, every coroner who is, by virtue of this chapter, authorized and required to take inquests, shall deliver to the proper officers of his county a bond, subscribed by two or more sufficient sureties, in such penal sum as the county board of said county may determine, conditioned for the faithful performance of all his official duties set forth in this chapter, and that he faithfully account for and pay all moneys which may come to his hands belonging to said county, and which, by virtue of this chapter, he is required to account for and pay as aforesaid.

18. In all cases where inquests are to be taken in the county of Sheboygan, the same shall be taken by the coroner of said county, who shall perform all the duties, have all the powers and receive the same fees as justices of the peace in taking such inquests, and shall have exclusive power to take such inquests in said county, except in cases of inability to attend to said duty; in which case the said duty may be performed by any justice of the peace of said county.

FORMS FOR CORONERS IN EVERY STATE.

I.

Form of Warrant or Venire of a Coroner for a Jury.

"THE STATE OF ——, —— ——,
—— *County, ss:*

"To any constable of said county (or to J. M. of said county, Greeting:—

"Whereas, Information has been given to me, G. H., a justice of the peace in and for the said —— (there being no coroner of said county—or say, the coroner being absent from the county, stating the cause why the justice acts in place of the coroner, according to the fact) that the dead body of a man (or woman) has been found at (here describe the place) in said ——, supposed to have come to his (or her) death by violence, you are therefore commanded to summon six jurors, resident of said county and having the qualification of electors, to appear forthwith (on the —— day of ——, A. D. ——, at — o'clock —), at said place where said body was found and is now lying, to inquire, and true presentment make, as to the manner and by whom the deceased came to his (or her) death. And of this writ make legal service and due return.

"Given under my hand and seal this —— day of ——, A. D. ——

[SEAL.] G. H.,
Justice of the Peace and Coroner for the time being."

II.

Form of the Oath to the Jury.

"You do solemnly swear, in the presence of Almighty God, the searcher of all hearts, that you will diligently inquire, and true presentment make, according to the best of your understanding, in what manner and by whom the deceased, whose body is here present, came to his (or her) death, and that you will deliver to me a

true inquest thereof, in writing, and by you severally subscribed, without unnecessary delay, according to the evidence that shall be submitted."

III.

Form of Subpœna.

"THE STATE OF ——, —— ——,
—— *County, ss:*

"To any constable of said township, Greeting:—

"You are hereby commanded to summon A. B. to appear before me at —— (here describe the place where the inquisition is held), in said ——, on the —— day of ——, in the year ——, at — o'clock, A. M. (or forthwith), to give evidence before an inquisition, then and there to be held, upon the dead body of a person there lately found. Hereof fail not, under penalty of the law; and have you then and there this writ.

"Given under my hand and seal this —— day of ——, A. D. 18—.

[SEAL.] G. H.,
Justice of the Peace of said —— and Coroner of said County for the time being."

IV.

Form of Deposition taken at the Inquest.

"THE STATE OF ——, —— ——,
—— *County, ss:*

"An inquest by the undersigned jury, &c., duly impanelled and sworn, was held on the —— day of ——, in the year ——, at —— (here describe the place where the inquisition is held), in said ——, over the dead body of S. T. (or, if the name be unknown, say of a certain person), who was supposed to have come to his death by violence. The undersigned, G. H., a justice of the peace in and for the said ——, then and there acted as coroner, there being no coroner of said county.

"The following is the testimony of witnesses then and there examined before said justice and jury, and which was then and there reduced to writing, in pursuance of the statute in such case made and provided:—

"A. B., being duly sworn, stated that (here set forth the testimony of witnesses).

"Signed, A. B."

"C. D., being duly sworn, stated that, &c.

"Signed, C. D."

"In testimony whereof, we have hereunto set our hands."

V.

Form of the Verdict of the Jury.

"We, the undersigned jurors, impanelled and sworn on the —— day of ——, in the year ——, at the —— of ——, in the county of ——, by G. H., a justice of the peace in and for the —— of ——, in said county (acting as coroner for the time being), to inquire, and true presentment make, in what manner and by whom C. D. (or, if the name of the deceased be unknown, say a person), whose body was found at —— (here describe the place) on the —— day of ——, in the year ——, came to his death. After having heard the evidence and examined the body, we do find that the deceased came to his death by (drowning in ——, stating the circumstances, as far as known; or say, by the visitation of God, in a natural way, and not by means of any violence; or say, from being thrown from his wagon, while his horses were running away, and receiving three mortal bruises and wounds in, &c.; here state all the circumstances concerning his death; or say, do find that the deceased came to his death in a manner unknown to the jury; or say, do find that the deceased came to his death by violence, and that said body has upon it the following marks and wounds, inflicted by A. B.; or say, if the person who committed the injury is unknown, by some person or persons unknown to the jury, as the case may be, and which the jury do find caused the immediate death of said person, whose body was found as aforesaid, to wit: here describe the marks and wounds upon the body, if any). And we, the jury, do further find that one L. S. was concerned in the perpetration of said violence and death as an accessory before (or after) the fact.

"Given under our hands at the time and place of such inquisition above mentioned."

The jury will subscribe their names to the verdict.

VI.

Form of the Recognizance of a Witness.

"The State of ——, —— ——,
—— *County, ss:*

"Be it remembered, that on the —— day of ——, A. D. ——, before me, G. H., a justice of the peace in and for the said —— and county, acting as coroner for the time being, personally appeared A. H. and J. S. (the surety), who acknowledged themselves to owe the State of —— the sum of —— dollars, to be levied upon their goods and chattels, lands and tenements, upon this condition: that if the said A. H. shall appear on the first day of the next term of the court of common pleas to be holden in said county, to testify as to his knowledge of the circumstances relating to the decease of C. D. (or, if the name of the deceased is unknown, say a person), who is supposed to have come to his death by violence, continue from day to day, and not depart from the court without leave, then the above recognizances to be void; otherwise to be and remain in full force in law.

"Signed, A. H.
J. S."

"Attest. G. H.,
Justice of the Peace and Coroner for the time being of said County."

VII.

Form of Memorandum by Coroner of his Proceedings.

"The State of ——, —— ——,
—— *County, ss:*

"Be it remembered, that on the —— day of ——, in the year ——, there being no coroner of said county, information was given to me, G. H., a justice of the peace in and for said —— and county, that the dead body of A. B. (or a person), supposed to have come to his death by violence, had been there lately found at (here describe the place), in said —— and county, I issued a warrant and delivered the same to C. C., constable of said ——, which was in the words and figures following: (here copy the *venire*.) And the said constable, at the place aforesaid where said

body was found, returned to me said *venire*, indorsed as follows: (here copy the return, and if any subpœnas are issued, so state, and for whom, and the return of the constable.) And also, at the time and place aforesaid at which said jury were summoned to appear, came the said jurors mentioned in said return to said *venire* or warrant, who were then and there by me duly impanelled and sworn in the premises, proceeded with me to inquire into the manner, and by whom, the said person came to his death, etc. The witnesses were also then and there sworn and examined, their testimony reduced to writing and signed by the jury and myself; and thereupon said jury then and there returned to me their verdict, in writing, which is as follows: (here insert the verdict; and if the witnesses are recognized, or if proceedings are had against the person who caused the death, here so state, and that the depositions and recognizances have been filed in the clerk's office of the court of common pleas of the county.)

"Given under my hand and seal this —— day of ——, A. D. 18—.

[SEAL]. G. H.,

Justice of the Peace and Coroner for the time being of —— County."

ANECDOTES.

PART III.

PART III.

ANECDOTES.

SOLEMN and serious as the duties of the coroner are, they yet, at times, undoubtedly, present a humoristic aspect. So that having, in the preceding pages, considered the history of that officer, together with his functions as defined by the laws of England and the statutes of the different States of the Union, we have deemed that it might be not only of interest but instructive for coroners to see some of the ridiculous scenes which have taken place in the courts of their predecessors, and therefore offer to our readers, as a logical sequence of that part of the subject already discussed, the following anecdotes culled from a variety of sources, without, however, being willing to vouch for the truthfulness of any.

English Coroner's Jury.

CORONER.—Did you know the defunct?

WITNESS.—Who is he?

C.—Why the dead man.

W.—Yes.

C.—Intimately?

W.—Werry.

C.—How often have you been in company with him?

W.—Only once.

C.—Do you call that intimately?

W.—Yes, for he were drunk and I were werry drunk, and that made us like two brothers.

C.—Who recognized the body?

W.—Jack Adams.

C.—How did he recognize him?

W.—By standing on his body, to let the water run out.

C.—I mean, how did he *know* him?

W.—By his plush jacket.

C.—Anything else?

W.—No, his face was so swelled his mother would n't ha' knowed him.

C.—Then how did *you* know him?

W.—'Cause I was n't his mother.

(*Applause in the court.*)

C.—What do you consider the cause of his death?

W.—Drownding, in course.

C.—Was any attempt made to resuscitate him?

W.—Yes.

C.—How?

W.—We searched his pockets.

C.—I mean, did you try to bring him to?

W.—Yes—to the public house.

C.—I mean, to *recover* him?

W.—No, we was n't *told* to.

C.—Did you ever suspect the deceased of mental alienation?

W.—Yes, the whole village suspected him.

C.—Why?

W.—'Cause he ailinated one of the squire's pigs.

C.—You misunderstand me. I allude to *mental* aberration.

W.—Some think *he was.*

C.—On what *grounds?*

W.—I believe they belonged to Squire Waters.

C.—Pshaw! I mean, was he *mad?*

W.—Sartenly he were.

C.—What, devoid of reason?

W.—Oh, he had no reason to drown hisself, as I knows of.

C.—That will do sir. (To the jury): Gentlemen, you have heard the evidence and will consider your verdict.

FOREMAN.—Your worship, we are all of one mind.

C.—Well, what *is* it?

F.—We do n't mind what; we 're agreeable to any your worship pleases.

C.—No, gentlemen; I have no right to dictate. You had better consult together.

F.—We have, your worship, afore we came, and we are all unanimous.

New Code of Mississippi.

Not many months ago, in a quiet neighborhood of one of our eastern counties, a rumor came that a man had been found dead in

the woods. On repairing to the locality designated, we found some fifteen or twenty men assembled near the corpse and awaiting the arrival of the magistrate of the beat, one Squire B——, who was *ex officio* coroner.

Pretty soon "his Honor" made his appearance, mounted upon a raw-boned Rosinante. The horse and his rider were in perfect keeping, however, and the long legs, lank form and lantern jaws of the latter, combined with the cadaverous appearance of the former, presented a *tout-ensemble* strikingly picturesque. Now, the worthy squire had a strong partiality for old rye, and on the occasion in question he carried behind him a pair of leathern saddle-bags open at the top, from one side of which was visible a corner of the "New Code of Mississippi," and from the other, by way of equilibrium, protruded the blue neck of a gallon jug. Having dismounted and hitched his "nag" to a sapling, he rested himself at the foot of a tree and called for "law." A son of his, the very miniature of "pap," instantly handed him the "jug," from which he took a long pull of the article known in the south-west as *rifle whiskey*, after which he proceeded to freshen his memory with regard to the duties of coroner, as laid down in the Revised Code. In the meanwhile, the body had been dragged up from the ditch in which it was found, and the natives were quietly seated around it. The squire, having examined the "law," apparently to his satisfaction, named certain of the persons present to act as a jury, and having asked a few questions, told them they might "make up thar verdic." From what had been said, it was apparent that the man had died from the immoderate use of strychnine whiskey, and they all agreed upon this being the *tenor* of their "verdic;" but, when they came to expressing it upon paper, they had the greatest difficulty in doing so to their satisfaction, but they finally succeeded in producing the following:—

"We, the gury summuned to set on the boddy of a unknown ded man, do find to be Jim Beers. We are also of apinion decesd cum to his deth by his own im orulity.

"Signed, —— ——, etc., etc."

Indiana Verdict.

Coroner's Inquest.—Held on the body of Joseph Grimsley, of Sparta township, on the 20th day of May, 1860, before Almanion

Smith (by consent of William Green, coroner). The jury, consisting of six men duly qualified, returned the following verdict:—

"That the said Joseph Grimsley, at a certain deep hollow near the dwelling-house of Sylvester Gullet, the said Grimsley being then and there alone, with a certain grass cord of the value of three cents, which he then and there held in his hand, and one end thereof then and there put about his neck, and the other end thereof tied to a log lying across said hollow or ravine, and then and there, with the end aforesaid, he, the said Joseph Grimsley, voluntarily, feloniously and of his own malice aforethought, hanged and strangled himself; and so we, the jurors, upon our oaths, do say, that the said Joseph Grimsley then and there, in manner and form as aforesaid, as a felon of himself, did feloniously, wilfully and of his malice aforethought, strangle, kill and murder himself, against the peace and dignity of the State of Indiana. A. SMITH,

"June 1, 1860. *Justice of the Peace.*"

Verdicts from Boston.

"We find that John Wilson came to his death from some cause to the jury unknown; but from the evidence, the jury are of the opinion that his death was accidental."

"The jury find that Mary Jones came to her death from blows inflicted by her husband, John Jones, and partly from the excessive use of intoxicating liquors; the first-mentioned cause operating, in our opinion, to cause a fatal result, partly in consequence of the second."

Utica Verdict.

"We are of the opinion that the deceased is the body of William C. Champlin, and that he came to his death by hanging himself in his barn, with a rope, on the morning of Wednesday, March 28, 1866; and thus died, and not otherwise."

Died at the Age of Fifteen Minutes.

The coroner, having briefly addressed the jury on their melancholy duty, and pointed out to them what he considered was the verdict they should return, the jury unanimously recorded their verdict that "the deceased died from the accidental discharge of his own gun, *after living a quarter of an hour.*"

They also appended an expression for the family of the deceased in their bereavement, which was a loss to both his family and to the whole country.

Inquest.

Poor Peter Pike is drowned, and the neighbors say
The jury mean to *sit on him* to-day;
"Know'st thou what for?" said Tom.
Quoth Ned: "No doubt,
'T is merely done to *squeeze the water out.*"

Sixty-weight of Rough Taller in Him.

A little more than a dozen years ago a stout, well-to-do farmer, of about sixty years, named O——, in the township of B——, in Pennsylvania, was taken suddenly ill, and, after a few days' sickness, died. In accordance with the wishes of the physician in attendance, and with the consent of the family of the deceased, a *post-mortem* examination was held to determine the cause of his death. On the evening after the examination had been made, Joe O——, one of the numerous sons of the deceased, dropped into the store of Mr. A——, a merchant in the place. Joe was a broad-shouldered, big mouthed fellow of about thirty-five, who walked with a swagger and talked in a loud voice and in grandiloquent style. Mr. A—— addressed him as follows:—

"Joseph, I understand that a *post-mortem* examination of the body of your father was made by the doctors this afternoon. Were you present, and do you know what conclusion was arrived at?"

Hardly waiting until he had heard the question, Joe broke in with: "Yes, Mr. A——, I was; I was present and saw the hull operation. I did n't think I could have done it, but I did (here his voice faltered). 'I did n't think I could have done it, but I did. I stood by and saw the hull proceedings."

Here he paused, and Mr. A—— interposed: "Your father was quite a fleshy man."

"Yes, Mr. A——, he was; he was a very fat man. His hull insides was covered as much as two inches thick all over with clear fat. Why, Mr. A—— (here he grew enthusiastic), if it had been a critter I should ha' said—I should ha' said there was as much as *sixty-weight* of rough taller in him; and jest as white, Mr. A——, jest as white as any mutton taller ye ever saw."

Irish Inquest.

In Minnesota, an Irishman by the name of O'Connor was killed by one of the same persuasion named Cochran, and on his dead body met a jury of six men, *half a dozen* of whom were Irish, who rendered the following verdict, the original copy of which, as a specimen of chirography, orthography, etymology, syntax and prosody, never has been beaten, even in Minnesota. Here it is, all but the spelling, which we have not types to print:—

"That Martin O'Connor, here lying dead, came to his death by shot from a gun, which caused the blood to rush in torrents from his body, *so that it was impossible for him to live until we could hold an inquest.*"

Died Accidentally.

I was on a coroner's jury once, in Starr county, Texas, and the evidence plainly showed that the deceased came to his death from a blow inflicted by H. Clay Davis, which dislocated his neck, causing instant death. It was proven that the deceased had greatly outraged Davis' family, but that Davis had laid down a billiard cue and struck him with his fist. I sat down to write out the verdict in accordance with the facts, but the jury insisted that the word "accidentally" should be inserted, and after an angry discussion, on my part, of its absurdity, the following verdict was rendered:—

"We, the jury, find that the deceased came to his death *accidentally*, by a blow inflicted by H. Clay Davis!"

Accurate Verdict.

"That one Mary Smith, the mother of Mary Ida Smith, not having the fear of God before her eyes, but moved and seduced by the instigation of the devil, on the night of the 2d of May, inst., with force of arms, at the canal in the city of Williamsport, in and upon the aforesaid Mary Ida Smith, then and there being in the peace of God and of the commonwealth, feloniously, voluntarily and with malice aforethought, made an assault, and threw the body of the said Mary Ida Smith into the water in the canal aforesaid. And so the said Mary Smith then and there feloniously suffocated, drowned, killed and murdered the said Mary Ida Smith, against the peace and dignity of the commonwealth.

"Signed, G. A. C——, J.P."

Down Train.

In the following case, for example, could anything be more clear to the public, or more consolatory to the friends of the deceased, than the finding of "the good men and true?" A man had been walking on the track at California, Missouri, when he was knocked headlong by the locomotive, and the entire train passed over his body. A jury was summoned, who, after drinking a gallon of whiskey, rendered this verdict:—

"We, the jury, *believe* that the deceased came to his death by the *down* train."

Resurrection of Barney Bradley.

"What's the matter?" said the coroner, laying down his glass, "you look as if you were—were—eh? What do you want?"

"We want you, sir, if you plase."

"Why, what's wrong?"

"One Barney Bradley, sir, that was kilt."

"Kilt! by whom was he kilt?"

"By one Andy Murtagh, sir, that hot him a polthogue on the skull, sir, and kilt him."

"Right, right," said the coroner, "all fair. Gintlemen, you will have the goodness to come along wid me, till we sit upon the corpse. Your opinions may be necessary, and I will order the waither to keep the lunch safe till we dispatch this business. Between you and me, I'm not sorry that that fellow's done for. The confounded scrub has bled me out of business—ha! ha! ha!"

On arriving at the public house, they found considerable difficulty in making their way to the room in which Barney lay. The coroner's name, however, was an open sesame to the party, who, in a few minutes, found themselves ready, as the coroner said, to enter upon business.

After having surveyed the corpse, the judge of the dead requested his medical friends to try if any symptoms of life remained.

The doctor consequently felt his pulse and shook his head. "Ah!" said he, "it's all over with him!"

The apothecary looked into his face. "Ay!" he exclaimed, "it is so; but is n't that a villainous expression of countenance? That mon, doctor—that mon, sir, had—a—a—that is, independently of the violent mode of his death, had, I think, the germs, doctor—the germs—or seed of death within him. Am I right, sir?"

"You are positively right, sir. The mon would have died most decidedly, especially when we consider that ——."

"Gintlemen," observed the coroner, "it does n't matter a horse nail how or whin he might have died. The mon is dead now, and that 's enough—or rather, he was kilt by a blow on the sconce; so our best and only plan, you persave, is to swear a jury to thry the merits of the case. And, gintlemen, I 'll take it as a particular fever if you will have the civility to make no reflections upon the corpse, for every such reflection, gintlemen, is unbecoming, and dangerous, according to the present law of libel, and an extenuation, probably, against myself. *Let duy mortisis nil neesy boreum* be our rule in this unhappy case—hem!"

The worthy coroner immediately swore a jury, after which they proceeded to find a verdict in the following manner:—

"Gintlemen, you are all sworn?"

"We 're all sworn, Misther Casey."

"Waither," he shouted, "I 'll throuble you to bring me a tumbler of cowld water, with a naggin of whiskey in it. There 's the mischief 's drewth about me to-day, boys, upon my honor there is —owing to the hate of the room and the hot weather."

"Troth," said the foreman, "myself is just as if I was afther bein' pulled out o' the river, with prosperation, I 'm so dhry. Blood alive, Misther Casey, do n't forget us!"

"What, a naggin, mon? No indeed; let it be a glass apiece, and I do n't care. Waither!"

The waiter appeared.

"Bring up twelve glasses of whiskey, and be quick, for I 'm in a great hurry."

The coroner, when the whiskey arrived, took off his grog, and the treat to the jury also soon began to disappear.

"Misther Casey," said the foreman, with a shrewd face, "here 's wishin' your health, and success to you, sir, in your occupation."

"Thank you, thank you, Mr. Foreman. Now, let us proceed to call the witnesses—capital whiskey that for public-house whiskey. Gintlemen," added he, to the by-standers, "if there 's any of you competent to give evidence in this unfortunate affair, we are ready to hear you. Does any of you know how the deceased came to his death?"

"I 'm his cousin, Misther Casey," said a man, coming forward.

"But what do you know of his death?" inquired Mr. Casey.

"Oh, not a haporth, good or bad, burrin' that he 's dead, poor fellow," replied the man.

Several persons now advanced, who declared that they were competent to give testimony touching the manner and cause of his death. One man was sworn, and thus replied to the jury:—

FOREMAN.—"What do you know about this business, Mickey?"

"Why, I seen Andy Murtagh there givin' him the lick on the head that kilt him; an' I say it 's naither fair nor honest for Andy to be jury upon the man that he done for."

This was like a thunderstroke to the coroner, who, by-the-way, our readers may have perceived, was none of the soberest. Instead of being angry, however, it affected him with uncontrollable mirth; and as a feather will often turn the feelings of an Irish crowd either one way or the other, so did Andy's nonsense and the coroner's example produce loud laughter among all present, especially among the jurors themselves, except, of course, the friends of the deceased.

"Murtagh," said the coroner, "sorra a thing you are but a common skorner, to make such an ass of me, and the corpse and jury, and all by such villainous connivance. You are, at least, a homicide, Andy; and to think of your bringin' in a verjick, and one of the jury an outlaw, would mutilate the whole proceedings. Only for the humor of the thing, upon my honor and sowl, I 'd not scruple a thrawneen to commit you for contempt of coort, you imposther."

"Faith, sir," said Murtagh, "I thought I had as good a right to be on the jury as any other, in regard that I knew most about it. I 'll make a good witness, anyhow."

"Get out, you nager!" said the coroner. "I 'll lay you by the heels before night, plase God. Gintlemen, hould him tight till we return our verjick."

"I 'll give you my book of oath," replied Murtagh, "that the mon was walkin' about as well as ever he was long after the scrimmage wid me. Ay, an' I can prove it. There 's Dick Moran; he knows it."

Dick was sworn and examined by the foreman.

"Dick," said the foreman, who was a process-server, and who, moreover, considered himself no bad authority as a lawyer, an opinion which caused him to keep a strict eye upon the practice of the courts; "Dick, what 's your name?"

"'Dick, what 's your name?'" replied Dick, with a grin. "Be me faith, that 's aquil to 'Paddy, is this you?'"

"When you meet a mon, you must onswer him," said the coroner; "the question is strictly legal."

"It is," said the foreman, in high dudgeon. "It is strictly legal; and I say agin, Dick Moran, what's your name?"

Dick raised his eyebrows, and after giving a look of good-humored astonishment and contempt at the foreman, gravely replied—

"My name, is id? Why, Paddy Baxther."

This excited considerable mirth; but the coroner began to get exasperated at what he looked upon as an insult to his authority.

"That's not the purpose at all, at all," observed the coroner; "sorra a verjick we'll get to-night, at this rate."

"Sir," said the foreman, "you ought to have a crier to keep order in the court. That blaggard should be put out."

"I'll tell you what it is," said the choleric coroner, addressing Darby; "if you are not off before we find our verjick, upon my secret honor I'll kick you from this to the court-house above, and lay you by the heels there afterwards."

"You'll kick, is id? A pair of us can play at that game, Misther Casey. Did you ever hear what profound intherest is? I tell you, if you raise your hand or foot to me, you'll get that same. To the mischief with all upstarts."

The coroner, who was a noted pugilist, sent in a body blow that laid Darby horizontal in a moment. Darby, however, had friends on his own part, as well as on behalf of Barney, who were not at all disposed to see him ill-treated by a man in office.

"Down wid the rascal!" they shouted, closing immediately about the coroner; "down wid him! he's a government mon anyhow, an' a spy, maybe, into the bargain. Down wid him!"

"Come on, you rascals," shouted the coroner; "my jury and I against any baker's dozen of you. Gintlemen of the jury, stand to me, and we'll clean the house. Come, boys, come! Gintlemen, fight like men. We can bring in our verjick afterwards."

"Honor bright, Misther Casey," responded the jury. "We'll back you, sir, every mon of us. To the mischief with the verjick till after our spree's over."

The friends of the jurors also took the part of the coroner, as did many others present, for the man's propensity to fight had made him popular; so that, in point of fact, the numbers were pretty equal on both sides. A rich scene ensued. In a moment

the whole room exhibited such a picture of riot and uproar as could scarcely be conceived.

* * * * * *

The fight might now be at its hottest, when two men were seen engaged in a bitter struggle near the window, one of whom was the coroner, and the second, to the inexpressible astonishment of all present, no other than the subject of the inquest, Barney Bradley himself.

"Eh!" exclaimed the coroner—"what! why, is it—eh? Is it the ——? It is, as sure as the sky is above us; its the same that was kilt!—the dead vagabond we had the inquest over!"

* * * * * *

Barney Bradley would insist that the coroner, Mr. Casey, was sick and required bleeding. The coroner objected, but bleed Barney would; and the coroner was bled—he fainted through the loss of blood—he seemed dying. Barney Bradley was appointed coroner to sit upon Mr. Casey's body—and the jury brought in the "verjick," "We find that Misther Casey died by the visitation of Barney Bradley."

From Missouri.

The office of coroner, in most of our inland counties, is almost entirely useless. Hence there is seldom a contention, and never a spirited canvass for the office, but he who happens to be named in connection with that position, on the day of election is almost sure to receive the honor.

Like most of the other counties, ours has a coroner, who, in accordance with the above facts, was elected last year.

His first (I believe his only) case was that of a poor, deluded creature who loved whiskey, "not wisely but too well," and who, in a fit of apoplexy or delirium, either fell or threw himself into a creek, where he was found a few minutes after. Every effort, such as turning, rolling and rubbing, was resorted to to resuscitate him, but all to no effect; and although there were warm spots on his body, he obstinately and persistingly refused to be brought to life. Death seemingly held his gripe.

At length the coroner's jury was summoned, the facts elicited and the verdict rendered.

At the instance of the coroner, and under his supervision, a rude coffin had been constructed, into which the body was thrust, and

over which a top was nailed. Some who were present thought they recognized some signs of returning life, and insisted on removing the coffin-lid to use further remedies, but were met with a stern rebuff. Raising himself to his full height, the coroner said, "Gentlemen, I'm the officer! the verdict has been given; that man is sealed up; he's dead in the eyes of the law. Now touch him if you dar." They left him alone in his glory.

Uncle Billy Johnson.

He was considered a good old man. He held the office of coroner for Whitefield county, Georgia. A few years ago there was a free negro who went backward and forward on the State road as general apple and candy man. At Dalton the trains up and down meet. The poor negro, in speaking to some acquaintance, as the cars were moving off, made a misstep, and fell with his neck across the track—his head fell on one side, his body on the other.

The coroner was called. The learned officer arrived, put on one of his most dignified, knowing looks, walked around the body two or three times, slowly elevated his head, and said, "Gentlemen, I pronounce him a dead man!"

Some by-standers suggested a jury as Uncle Billy was slowly moving from the scene of the accident.

"What's the use," replies he, "of gettin' a jury? Can't I see that the man is dead?" And the dignified coroner left the man in his blood.

Pannel.

It was about those days, a long time ago, when, in the good State of Connecticut, and in the town of New Haven, a negro man was found dead in the road one morning. The law required them to impanel a jury to sit on the case and determine, if possible, in what manner and by what means the man came to his end. A jury pannel the good people had never heard of, and the only pannel they knew anything of was a half saddle of that name, which was used by the women when riding on horseback along with a man. It must be that the jury were to be impanelled with these, and, sending all over town, the constable managed to find eleven pannels, and, splitting one of them in two, he bound one on the back of each of the twelve jurymen, and thus accoutred they sat on *the nigger*.

Two Genuine Verdicts that Occurred in Kentucky.

"STATE OF KENTUCKY,
Russell County, ss:

"An inquisition taken for the people of the State of Kentucky and county of Russell, this 28th day of October, 1854, before Mr. M. W. Coffey, coroner of said county of Russell, upon the view of the body of a male man, name unknown, then and there laying dead, upon the oaths of twelve good and lawful men of the people of the said State and county of Russell, and when and where the same came to his death, we, the jury, agree the body came to his death by death unknown.

"M. W. COFFEY, C. R. C.,
Crowner of the said County and State."

"STATE OF KENTUCKY,
Russell County, ss:

"Inquisition held over the body of Holmes, deaseasts, about December 8, 1853. We of the said jury, by being summoned and qualified, and hearing the evidences and making true and diligous resentments over the said body of said deaseasts, twelve men met, and, being duly sworn into the case, believes that he come to his death by some fit or other apoplexy. Doctor being sworn by myself, crowner, states that the lobis membrane of the spinal disease was affected to considerable extent.

"M. W. COFFEY, C. R. C.,
Crowner of said County and State."

Pennsylvania Inquest.—A Fact.

"Bee it known, that upon an inquisition taken the third day of febuary 1859 at the plase where the dead Boddy was found on the highway neare M. T. W—— Cotten Gin in the county of Jackson. Before J. D. B—— justice of the pease of Union Township in Jackson county upon the view of the dead boddy of —— Tardy his given name not known suppose too Bee 35 or 40 years of age Rather under size suppose too way from 135 to 140 his clothing consist of a old straw hat & a old casenet coat too Domestic Sherts his Pants blew Cotten Drilling with a pair of old shoes and yarn

sox on his feet no papers one old lether pocket Book with seventy cents in it one old pocket knife too short wooden pensil one small Powder Canister one Blocking lyne with which I highered his coffen maid flesh marks none by the oaths of Twelve good and lawful jurors of said county the said jurors Being in due form sworn do say that the said Tardy Come to his death on the second day of febuary 1859 By some Common disease of our Country or Whiskey.

——— ———, J P."

FINIS.

INDEX.

INDEX.

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

R

S

T

U

V

W